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AMENDED IN ASSEMBLY AUGUST 31, 2005

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AMENDED IN ASSEMBLY JULY 13, 2005

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AMENDED IN SENATE MAY 4, 2005

AMENDED IN SENATE APRIL 25, 2005

SENATE BILL

No. 512

**Introduced by Committee on Education (Senators Scott (Chair),
Alquist, Denham, Dutton, Lowenthal, Maldonado, Morrow,
Romero, Simitian, Soto, Speier, and Torlakson)**
(Coauthor: Assembly Member Huff)

February 18, 2005

An act to amend Section 1798.3 of the Civil Code, to amend Sections 1240, 1628, 1629, 8092, 8208, 8212, 8222, 8226, 8352, 8421, 17592.70, 35186, 38101, 41327.2, 41344, 41344.1, 41402, 41511, 41521, 41530, 41976, 41976.5, 42127, 42132, 42282, 42282.1, 42285, 42285.2, 44225.6, 44252.1, 44258.9, 44664, 45037, 48660.2, 48900.8, 48980, 49423, 49423.1, 51226.1, 52515, 52520, 52570, 52571, 52572, 54749, 56195.7, and 56362.7 of, to add Sections 42285.4, 44265.6, and 56836.07 to, to repeal Section 52247 of, and to repeal and add Section 48213 of, the Education Code, to amend Section 7572.5 of the Government Code, to repeal Chapter 1.2 (commencing with Section 628) of Title 15 of Part 1 of the Penal Code, to amend Section 34501.5 of the Vehicle Code, to amend Section 11 of Chapter 14 of the Statutes of 2003, to amend Item 6110-183-0890 of Section 2.00 of Chapter 208 of the Statutes of 2004,

and to amend Section 18 of Chapter 895 of the Statutes of 2004, relating to public schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 512, as amended, Committee on Education. Education omnibus.

(1) Existing law requires, by September 15 of each year, a county superintendent of schools to prepare and file with the Superintendent of Public Instruction a statement of all receipts and expenditures of the county office of education for the preceding fiscal year.

This bill would instead require a county superintendent of schools to prepare and file that statement by October 15 of each year.

(2) Existing law requires, by September 30 of each year, a county board of education to adopt a resolution to identify the estimated appropriations limit for the county office of education for the current fiscal year and the actual appropriations limit for the county office of education for the preceding fiscal year.

This bill would instead require a county board of education to adopt that resolution by October 15 of each year.

(3) Existing law establishes the 21st Century High School After School Safety and Enrichment for Teens program to create incentives for establishing locally driven after school enrichment programs for high school pupils in the hours after the regular schoolday. Existing law requires a high school after school program established under the program to comply with locally determined requirements related to hours and days of program operation through the 2004-05 fiscal year and, commencing with the 2005-06 fiscal year and thereafter, to comply with the requirements of the State Department of Education related to the hours and days of program operation.

This bill would instead require a high school after school program to comply with those locally determined requirements through the 2005-06 fiscal year and with those requirements of the department commencing with the 2006-07 fiscal year and thereafter.

(4) Existing law establishes the School Facilities Needs Assessment Grant Program, administered by the State Allocation Board, for the purpose of awarding grants to school districts on behalf of schoolsites ranked in deciles 1 to 3, inclusive, on the Academic Performance Index (API), as specified, to conduct a one-time comprehensive assessment of school facilities needs. Under the program, the State

Department of Education is required to estimate an API score for any school meeting certain criteria.

This bill would revise the type of schools for which the department is required to estimate an API score. The bill would also exclude certain schools from those schools ranked in deciles 1 to 3, inclusive, on the 2003 base API.

(5) Existing law requires the Superintendent of Public Instruction and the Director of Finance to jointly establish a plan for repayment of school funds that a local educational agency received on the basis of average daily attendance that did not comply with statutory or regulatory requirements that were conditions of apportionments, as determined by an audit or review. Existing law establishes the Education Audit Appeals Panel and requires the panel to hear an appeal of a finding of a final audit report resulting from an audit or review. Existing law authorizes the executive officer of the panel to order or propose a reduction of repayment, under specified circumstances.

This bill would, in addition, require the Superintendent and the Director of Finance to jointly establish a plan for repayment of a penalty arising from an audit exception. The bill would also authorize the executive officer of the panel to waive repayment, or payment of a penalty, under specified circumstances.

(6) Existing law establishes maximum ratios of administrative employees to teachers, but exempts from those ratios a school district that has only one school and one administrator.

This bill would instead exempt from those ratios a school district that has one or fewer administrators.

(7) Existing law establishes the school safety consolidated competitive grant, from which grant funds are distributed to school districts in order to carry out one or more purposes for which various specified programs were established, including the development of safety plans for new schools. Existing law also makes a school district and a county office of education responsible for the overall development of comprehensive school safety plans.

This bill would declare that funds distributed from the school safety consolidated competitive grant to a school district in order to develop safety plans for new schools are revenues that offset any reimbursable mandate claim for the development of comprehensive school safety plans.

(8) Existing law establishes the professional development block grant, which is composed of funding from, and for, specified existing categorical education programs. Existing law authorizes a school district to expend block grant funds if the school district provides each teacher of kindergarten or any of grades 1 to 6, inclusive, with opportunities to participate in professional development activities, as specified.

This bill would delete that condition.

(9) Existing law requires the governing board of a school district to adopt an annual budget, and requires the county superintendent of schools who has jurisdiction over that school district to approve, conditionally approve, or disapprove the adopted budget.

This bill would require the governing board of a school district whose adopted budget was disapproved, and the county superintendent of schools who has jurisdiction over that school district, to review the disapproval and the recommendations of the county superintendent of schools regarding revision of the budget at a public hearing, as specified. To the extent that this bill would impose additional duties on a school district, the bill would create a state-mandated local program.

(10) Existing law requires, by September 30 of each year, the governing board of a school district to adopt a resolution to identify the estimated appropriations limit for the school district for the current fiscal year and the actual appropriations limit for the school district for the preceding fiscal year.

This bill would instead require the governing board of a school district to adopt that resolution by September 15 of each year.

(11) Existing law requires a county superintendent of schools to make a funding computation for a school district with a necessary small school, and requires that computation be adjusted for excused absences by reducing average daily attendance by the statewide average rate of excused absence reported for high school districts for the 1996-97 fiscal year, as specified.

This bill would instead require that computation be adjusted for excused absences by reducing average daily attendance by the statewide average rate of excused absence reported for elementary school districts for the 1996-97 fiscal year, as specified.

(11.5) Existing law provides that the Coachella Valley Unified School District is eligible to receive apportionments for 2 specified schools within that district, pursuant to the schedule for necessary

small high schools, as specified, and provides that if the amount of average daily attendance of either of those schools exceeds 286, that school is no longer entitled to receive apportionments under these provisions. Under existing law, the Department of Transportation is required to notify the Legislature and the Secretary of State upon the completion of a specified project of the Department of Transportation, and provides that after notification has occurred, the provisions described herein remain in effect only until July 1 after the then current fiscal year has elapsed, or until June 30, 2005, whichever is later, and as of the occurrence of the later of these provisions would be repealed.

This bill would, instead, provide that the Coachella Valley Unified School District is eligible to receive apportionments for those 2 schools until June 30, 2006, at the end of which time, the bill would require the department to review the average daily attendance numbers of each school to determine if the Coachella Valley Unified School District remains qualified for necessary small school funding and, if qualified, the Coachella Valley Unified School District would remain eligible to receive apportionments, as specified, on behalf of those schools, in 2-year increments.

(12) Existing law requires the Commission on Teacher Credentialing to adopt regulations to provide a grace period for candidates enrolled in specified credential programs to complete the requirements of the program, without being required to meet new requirements. Under existing law, these provisions will be repealed by their own terms on January 1, 2006.

This bill would delete the repeal provision in existing law.

(13) Existing law requires the Commission on Teacher Credentialing to issue a 2-year nonrenewable preliminary specialist instruction credential, and a 2-year services credential with a specialization in pupil personnel services, solely for the purpose of providing specified instruction and services to deaf or hearing-impaired pupils, to a prelingual deaf candidate, upon the satisfaction of specified conditions and requirements, including medical or other appropriate professional verifications.

This bill would, upon the request of a school district, county office of education, or state special school, require the Commission on Teacher Credentialing to determine specific requirements for, and issue, a one-year specialist instruction emergency permit, solely for the purpose of instructing deaf or hearing-impaired pupils, to a

prelingual deaf candidate, upon medical or other appropriate professional verifications.

(14) Existing law requires a school district to evaluate and assess the performance of a certificated employee with permanent status who has been employed at least 10 years with the school district, is highly qualified, as defined, and whose previous evaluation rated the employee as meeting or exceeding standards.

This bill would require a school district to evaluate and assess that certificated employee only if he or she occupies a position that is required to be filled by a highly qualified professional.

(15) Existing law requires the Superintendent to adopt a curriculum framework, as specified, that offers a blueprint for implementation of career and technical education, no later than June 1, 2006.

This bill would postpone the fulfillment of that requirement until April 1, 2007.

(16) Existing law establishes the Advanced Placement Challenge Grant Program under which a high school designs and implements a plan that is intended to result in its pupils having access to at least 4 advanced placement courses in core curriculum areas. Existing law also requires the Superintendent of Public Instruction to administer a grant program for advanced placement professional development under which nonrenewable 4-year grants are awarded on a competitive basis to no more than 550 high schools to establish, train, and support teams of teachers or purchase instructional materials and equipment for those courses.

This bill would delete those provisions.

(17) Existing law authorizes a pupil suspected of needing mental health services to be referred to a community mental health service. Existing law also requires the Superintendent to make specified computations to determine funding for a special education local plan area.

This bill would require the Superintendent to allocate funds appropriated in the annual Budget Act to a special education local plan area, and a proportionate share, as specified, to the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area, for purposes of those referred pupils. The bill would declare that, due to the unique situation of that special education local plan area, a general statute cannot be made applicable within the meaning of Section 16 of

Article IV of the California Constitution, and the enactment of a special statute is therefore necessary.

(18) Existing law requires, by June 30, 1995, the State Department of Education, in consultation with the Department of Justice and a representative selection of school districts and county offices of education, to currently compile school crime statistics and to develop a standard school crime reporting form for use by all school districts and county offices of education throughout the state. Existing law requires each principal of a school in a school district and each principal or director of a school, program, or camp under the jurisdiction of the county superintendent of schools to report crimes, and requires the superintendent of any school district to submit various reports, as specified. Existing law requires the State Department of Education to publish and distribute to all school districts and county offices of education an annual school crime reporting update that describes typical errors in school crime reporting procedures, describes effective and efficient methods of monitoring and recording school crime data, and identifies trends in school crime drawn from the annual school crime report submitted to the Legislature.

This bill would repeal those provisions.

(19) Existing law, notwithstanding any provision of law to the contrary and from June 1, 2003, to June 30, 2005, inclusive, permits the Oakland Unified School District to sell property owned by the district and to use the proceeds from the sale to reduce or retire the emergency loan provided to that school district pursuant to existing law. Existing law also provides that, for that period of time, the Oakland Unified School District is ineligible for hardship assistance under the Leroy F. Greene School Facilities Act of 1998.

This bill would extend the time period during which the Oakland Unified School District may sell property as described above, and the period during which the district is ineligible for hardship assistance, to June 30, 2007.

(20) Existing law requires the governing board of a school district maintaining an elementary or secondary school to develop and cause to be implemented for each school in the school district a School Accountability Report Card that includes specified information regarding the academic achievement of the school.

Existing law requires the Commission on State Mandates, on or before December 31, 2005, to reconsider a certain decision it issued

relating to state reimbursement for the School Accountability Report Card, and to reconsider its parameters and guidelines for calculating the state reimbursement for certain mandates in light of federal statutes enacted and state court decisions rendered since those mandates were enacted.

This bill would, in addition, require the commission to reconsider a certain other mandate on or before January 31, 2006. The bill would require the commission's decision on its reconsiderations to apply retroactively to January 1, 2005, would require the parameters and guidelines to conform to the decision of the commission on its reconsiderations, and would declare certain related legislative findings.

(21) Existing law establishes the Golden State Scholarshare Trust Act, pursuant to which participants invest money in the Golden State Scholarshare Trust for the benefit of a specific beneficiary for the purposes of the beneficiary's higher education expenses. The act also establishes the Scholarshare Investment Board as the trustee of the Golden State Scholarshare Trust, and vests in the board the purposes, powers, and duties of the trust.

Existing law also establishes the California Memorial Scholarship Program, and provides for its administration by the Scholarshare Investment Board. Under the program, which is funded by the California Memorial Scholarship Fund, scholarships are provided for surviving dependents of California residents killed as a result of injuries sustained during the terrorist attacks of September 11, 2001.

This bill would appropriate \$130,000, as provided, from the California Memorial Scholarship Fund to the Scholarshare Investment Board for the purposes of establishing individual scholarship accounts for eligible participants in the program and for the administrative costs of the board.

(22) This bill would also delete and replace obsolete and incorrect references in existing law, and would clarify various provisions and make various corrections in existing law.

(22.5) This bill would make legislative findings and declarations regarding the need for special legislation.

(23) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(24) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1798.3 of the Civil Code is amended to
2 read:

3 1798.3. As used in this chapter:

4 (a) The term “personal information” means any information
5 that is maintained by an agency that identifies or describes an
6 individual, including, but not limited to, his or her name, social
7 security number, physical description, home address, home
8 telephone number, education, financial matters, and medical or
9 employment history. It includes statements made by, or attributed
10 to, the individual.

11 (b) The term “agency” means every state office, officer,
12 department, division, bureau, board, commission, or other state
13 agency, except that the term agency shall not include:

14 (1) The California Legislature.

15 (2) Any agency established under Article VI of the California
16 Constitution.

17 (3) The State Compensation Insurance Fund, except as to any
18 records which contain personal information about the employees
19 of the State Compensation Insurance Fund.

20 (4) A local agency, as defined in subdivision (a) of Section
21 6252 of the Government Code.

22 (c) The term “disclose” means to disclose, release, transfer,
23 disseminate, or otherwise communicate all or any part of any
24 record orally, in writing, or by electronic or any other means to
25 any person or entity.

26 (d) The term “individual” means a natural person.

1 (e) The term “maintain” includes maintain, acquire, use, or
2 disclose.

3 (f) The term “person” means any natural person, corporation,
4 partnership, limited liability company, firm, or association.

5 (g) The term “record” means any file or grouping of
6 information about an individual that is maintained by an agency
7 by reference to an identifying particular such as the individual’s
8 name, photograph, finger or voice print, or a number or symbol
9 assigned to the individual.

10 (h) The term “system of records” means one or more records,
11 which pertain to one or more individuals, which is maintained by
12 any agency, from which information is retrieved by the name of
13 an individual or by some identifying number, symbol or other
14 identifying particular assigned to the individual.

15 (i) The term “governmental entity,” except as used in Section
16 1798.26, means any branch of the federal government or of the
17 local government.

18 (j) The term “commercial purpose” means any purpose which
19 has financial gain as a major objective. It does not include the
20 gathering or dissemination of newsworthy facts by a publisher or
21 broadcaster.

22 (k) The term “regulatory agency” means the Department of
23 Financial Institutions, the Department of Corporations, the
24 Department of Insurance, the Department of Real Estate, and
25 agencies of the United States or of any other state responsible for
26 regulating financial institutions.

27 SEC. 1.5. Section 1240 of the Education Code is amended to
28 read:

29 1240. The county superintendent of schools shall do all of the
30 following:

31 (a) Superintend the schools of his or her county.

32 (b) Maintain responsibility for the fiscal oversight of each
33 school district in his or her county pursuant to the authority
34 granted by this code.

35 (c) (1) Visit and examine each school in his or her county at
36 reasonable intervals to observe its operation and to learn of its
37 problems. He or she may annually present a report of the state of
38 the schools in his or her county, and of his or her office,
39 including, but not limited to, his or her observations while

1 visiting the schools, to the board of education and the board of
2 supervisors of his or her county.

3 (2) (A) To the extent that funds are appropriated for purposes
4 of this paragraph, the county superintendent, or his or her
5 designee, shall annually present a report to the governing board
6 of each school district under his or her jurisdiction, the county
7 board of education of his or her county, and the board of
8 supervisors of his or her county describing the state of the
9 schools in the county or of his or her office that are ranked in
10 deciles 1 to 3, inclusive, of the 2003 base Academic Performance
11 Index, as defined in subdivision (b) of Section 17592.70, and
12 shall include, among other things, his or her observations while
13 visiting the schools.

14 (B) The county superintendent of the Counties of Alpine,
15 Amador, Del Norte, Mariposa, Plumas, Sierra, and the City and
16 County of San Francisco shall contract with another county
17 office of education or an independent auditor to conduct the
18 required visits and make all reports required by this paragraph.

19 (C) The results of the visit shall be reported to the governing
20 board of the school district on a quarterly basis at a regularly
21 scheduled meeting held in accordance with public notification
22 requirements.

23 (D) The visits made pursuant to this paragraph shall be
24 conducted at least annually and shall meet the following criteria:

25 (i) Minimize disruption to the operation of the school.

26 (ii) Be performed by individuals who meet the requirements of
27 Section 45125.1.

28 (iii) Consist of not less than 25-percent unannounced visits in
29 each county. During unannounced visits in each county, the
30 county superintendent shall not demand access to documents or
31 specific school personnel. Unannounced visits shall only be used
32 to observe the condition of school repair and maintenance and
33 the sufficiency of instructional materials, as defined by Section
34 60119.

35 (E) The priority objective of the visits made pursuant to this
36 paragraph shall be to determine the status of all of the following
37 circumstances:

38 (i) Sufficient textbooks as defined in Section 60119 and as
39 specified in subdivision (i).

1 (ii) The condition of a facility that poses an emergency or
2 urgent threat to the health or safety of pupils or staff as defined in
3 district policy, or as defined by paragraph (1) of subdivision (c)
4 of Section 17592.72.

5 (iii) The accuracy of data reported on the school accountability
6 report card with respect to the availability of sufficient textbooks
7 and instructional materials as defined by Section 60119 and the
8 safety, cleanliness, and adequacy of school facilities, including
9 good repair as required by Sections 17014, 17032.5, 17070.75,
10 and 17089.

11 (F) The county superintendent may make the status
12 determinations described in subparagraph (E) during a single
13 visit or multiple visits. In determining whether to make a single
14 visit or multiple visits for this purpose, the county superintendent
15 shall take into consideration factors such as cost-effectiveness,
16 disruption to the schoolsite, deadlines, and availability of
17 qualified reviewers.

18 (d) Distribute all laws, reports, circulars, instructions, and
19 blanks that he or she may receive for the use of the school
20 officers.

21 (e) Annually present a report to the governing board of the
22 school district and the Superintendent regarding the fiscal
23 solvency of any school district with a disapproved budget,
24 qualified interim certification, or a negative interim certification,
25 or that is determined at any time to be in a position of fiscal
26 uncertainty pursuant to Section 42127.6.

27 (f) Keep in his or her office the reports of the Superintendent.

28 (g) Keep a record of his or her official acts, and of all the
29 proceedings of the county board of education, including a record
30 of the standing, in each study, of all applicants for certificates
31 who have been examined, which shall be open to the inspection
32 of any applicant or his or her authorized agent.

33 (h) Enforce the course of study.

34 (i) (1) Enforce the use of state textbooks and instructional
35 materials and of high school textbooks and instructional
36 materials regularly adopted by the proper authority in accordance
37 with Section 51050.

38 (2) For purposes of this subdivision, sufficient textbooks or
39 instructional materials has the same meaning as in subdivision (c)
40 of Section 60119.

1 (3) (A) Commencing with the 2005-06 school year, if a
2 school is ranked in any of deciles 1 to 3, inclusive, of the 2003
3 base Academic Performance Index, as defined in subdivision (b)
4 of Section 17592.70, and is not currently under review through a
5 state or federal intervention program, the county superintendent
6 shall specifically review that school at least annually as a priority
7 school. A review conducted for purposes of this paragraph shall
8 be completed by the fourth week of the school year. For the
9 2004-05 fiscal year only, the county superintendent shall make a
10 diligent effort to conduct a visit to each school pursuant to this
11 paragraph within 120 days of receipt of funds for this purpose.

12 (B) In order to facilitate the review of instructional materials
13 before the fourth week of the school year, the county
14 superintendent of schools in a county with 200 or more schools
15 that are ranked in any of deciles 1 to 3, inclusive, of the 2003
16 base Academic Performance Index, as defined in subdivision (b)
17 of Section 17592.70, may utilize a combination of visits and
18 written surveys of teachers for the purpose of determining
19 sufficiency of textbooks and instructional materials in accordance
20 with subparagraph (A) of paragraph (1) of subdivision (a) of
21 Section 60119 and as defined in subdivision (c) of Section
22 60119. If a county superintendent of schools elects to conduct
23 written surveys of teachers, the county superintendent of schools
24 shall visit the schools surveyed within the same academic year to
25 verify the accuracy of the information reported on the surveys.

26 (C) For purposes of this paragraph, “written surveys” may
27 include paper and electronic or online surveys.

28 (4) If the county superintendent determines that a school does
29 not have sufficient textbooks or instructional materials in
30 accordance with subparagraph (A) of paragraph (1) of
31 subdivision (a) of Section 60119 and as defined by subdivision
32 (c) of Section 60119, the county superintendent shall do all of the
33 following:

34 (A) Prepare a report that specifically identifies and documents
35 the areas or instances of noncompliance.

36 (B) Provide within five business days of the review, a copy of
37 the report to the school district, as provided in subdivision (c),
38 and forward the report to the Superintendent.

39 (C) Provide the school district with the opportunity to remedy
40 the deficiency. The county superintendent shall ensure

1 remediation of the deficiency no later than the second month of
2 the school term.

3 (D) If the deficiency is not remedied as required pursuant to
4 subparagraph (C), the county superintendent shall request the
5 department, with approval by the State Board of Education, to
6 purchase the textbooks or instructional materials necessary to
7 comply with the sufficiency requirement of this subdivision. If
8 the state board approves a recommendation from the department
9 to purchase textbooks or instructional materials for the school
10 district, the board shall issue a public statement at a regularly
11 scheduled meeting indicating that the district superintendent and
12 the governing board of the school district failed to provide pupils
13 with sufficient textbooks or instructional materials as required by
14 this subdivision. Before purchasing the textbooks or instructional
15 materials, the department shall consult with the district to
16 determine which textbooks or instructional materials to purchase.
17 All purchases of textbooks or instructional materials shall
18 comply with Chapter 3.25 (commencing with Section 60420) of
19 Part 33. The amount of funds necessary to the purchase the
20 textbooks and materials is a loan to the school district receiving
21 the textbooks or instructional materials. Unless the school district
22 repays the amount owed based upon an agreed-upon repayment
23 schedule with the Superintendent, the Superintendent shall notify
24 the Controller and the Controller shall deduct an amount equal to
25 the total amount used to purchase the textbooks and materials,
26 from the next principal apportionment of the district or from
27 another apportionment of state funds.

28 (j) Preserve carefully all reports of school officers and
29 teachers.

30 (k) Deliver to his or her successor, at the close of his or her
31 official term, all records, books, documents, and papers
32 belonging to the office, taking a receipt for them, which shall be
33 filed with the department.

34 (l) (1) Submit two reports during the fiscal year to the county
35 board of education in accordance with the following:

36 (A) The first report shall cover the financial and budgetary
37 status of the county office of education for the period ending
38 October 31. The second report shall cover the period ending
39 January 31. Both reports shall be reviewed by the county board
40 of education and approved by the county superintendent of

1 schools no later than 45 days after the close of the period being
2 reported.

3 (B) As part of each report, the county superintendent shall
4 certify in writing whether or not the county office of education is
5 able to meet its financial obligations for the remainder of the
6 fiscal year and, based on current forecasts, for two subsequent
7 fiscal years. The certifications shall be classified as positive,
8 qualified, or negative, pursuant to standards prescribed by the
9 Superintendent, for the purposes of determining subsequent state
10 agency actions pursuant to Section 1240.1. For purposes of this
11 subdivision, a negative certification shall be assigned to any
12 county office of education that, based upon current projections,
13 will be unable to meet its financial obligations for the remainder
14 of the fiscal year or for the subsequent fiscal year. A qualified
15 certification shall be assigned to any county office of education
16 that may not meet its financial obligations for the current fiscal
17 year or two subsequent fiscal years. A positive certification shall
18 be assigned to any county office of education that will meet its
19 financial obligations for the current fiscal year and subsequent
20 two fiscal years. In accordance with those standards, the
21 Superintendent may reclassify any certification. If a county office
22 of education receives a negative certification, the Superintendent,
23 or his or her designee, may exercise the authority set forth in
24 subdivision (c) of Section 1630. Copies of each certification, and
25 of the report containing that certification, shall be sent to the
26 Superintendent at the time the certification is submitted to the
27 county board of education. Copies of each qualified or negative
28 certification and the report containing that certification shall be
29 sent to the Controller at the time the certification is submitted to
30 the county board of education.

31 (2) All reports and certifications required under this
32 subdivision shall be in a format or on forms prescribed by the
33 Superintendent, and shall be based on standards and criteria for
34 fiscal stability adopted by the State Board of Education pursuant
35 to Section 33127. The reports and supporting data shall be made
36 available by the county superintendent of schools to any
37 interested party upon request.

38 (3) This subdivision does not preclude the submission of
39 additional budgetary or financial reports by the county

1 superintendent to the county board of education or to the
2 Superintendent.

3 (4) The county superintendent of schools is not responsible for
4 the fiscal oversight of the community colleges in the county,
5 however, he or she may perform financial services on behalf of
6 those community colleges.

7 (m) If requested, act as agent for the purchase of supplies for
8 the city and high school districts of his or her county.

9 (n) For purposes of Section 44421.5, report to the Commission
10 on Teacher Credentialing the identity of any certificated person
11 who knowingly and willingly reports false fiscal expenditure data
12 relative to the conduct of any educational program. This
13 requirement applies only if, in the course of his or her normal
14 duties, the county superintendent of schools discovers
15 information that gives him or her reasonable cause to believe that
16 false fiscal expenditure data relative to the conduct of any
17 educational program has been reported.

18 SEC. 2. Section 1628 of the Education Code is amended to
19 read:

20 1628. On or before October 15 of each year, the county
21 superintendent of schools shall prepare and file with the
22 Superintendent, along with the statements received pursuant to
23 subdivision (b) of Section 42100, a statement of all receipts and
24 expenditures of the county office of education for the preceding
25 fiscal year. The statement shall be in a format or on forms
26 prescribed by the Superintendent, in accordance with regulations
27 adopted by the State Board of Education. These forms may be
28 amended periodically by the Superintendent to accommodate
29 changes in statute or government reporting standards.

30 SEC. 3. Section 1629 of the Education Code is amended to
31 read:

32 1629. On or before October 15 of each year, the county board
33 of education shall adopt a resolution to identify, pursuant to
34 Division 9 (commencing with Section 7900) of Title 1 of the
35 Government Code, the estimated appropriations limit for the
36 county office of education for the current fiscal year and the
37 actual appropriations limit for the county office of education for
38 the preceding fiscal year. That resolution shall be adopted at a
39 regular or special meeting of the board. Notwithstanding Section
40 7910 of the Government Code, documentation used in the

1 identification of the appropriations limits shall be made available
2 to the public on the date of the meeting at which the resolution is
3 adopted.

4 SEC. 4. Section 8092 of the Education Code is amended to
5 read:

6 8092. (a) A school district or districts, a county
7 superintendent or superintendents, or the governing body of any
8 agency maintaining a regional occupational center or program
9 may contract with a private postsecondary school that is
10 authorized or approved pursuant to Chapter 3 (commencing with
11 Section 94300) of Part 59 and that has been in operation not less
12 than two full calendar years prior to the effective date of the
13 contract, to provide career technical skill training authorized by
14 this code. A school district, community college district, or county
15 superintendent of schools may contract with an activity center,
16 work activity center, or sheltered workshop to provide career
17 technical skill training authorized by this code in an adult
18 education program for adults with disabilities operated pursuant
19 to subdivision (a) of Section 41976.

20 (b) A contract between a public entity and a private
21 postsecondary school entered into pursuant to this section, or an
22 activity center, work activity center, or sheltered workshop, shall
23 do all of the following:

24 (1) Provide that the amount contracted for per student shall not
25 exceed the total direct and indirect costs to provide the same
26 training in the public schools or the tuition the private
27 postsecondary school charges its private students, whichever is
28 lower.

29 (2) Provide that the public school receiving training in a
30 private postsecondary school, or an activity center, work activity
31 center, or sheltered workshop pursuant to that contract may not
32 be charged additional tuition for any training included in the
33 contract. The attendance of those students pursuant to a contract
34 authorized by this section shall be credited to the public entity for
35 the purposes of apportionments from the State School Fund.

36 (3) Provide that all programs, courses, and classes of
37 instruction shall meet the standards set forth in the California
38 State Plan for Career Technical Education, or is a course of study
39 for adult schools approved by the department under Section
40 51056.

(c) The students who attend a private postsecondary school or an activity center, work activity center, or sheltered workshop pursuant to a contract under this section shall be enrollees of the public entity and the career technical instruction provided pursuant to that contract shall be under the exclusive control and management of the governing body of the contracting public entity.

(d) The Department of Finance and the State Department of Education may audit the accounts of both the public entity and the private party involved in these contracts to the extent necessary to ensure the integrity of the public funds involved.

SEC. 4.5. Section 8208 of the Education Code is amended to read:

8208. As used in this chapter:

(a) “Alternative payments” includes payments that are made by one child care agency to another agency or child care provider for the provision of child care and development services, and payments that are made by an agency to a parent for the parent’s purchase of child care and development services.

(b) “Alternative payment program” means a local government agency or nonprofit organization that has contracted with the department pursuant to Section 8220.2 to provide alternative payments and to provide support services to parents and providers.

(c) “Applicant or contracting agency” means a school district, community college district, college or university, county superintendent of schools, county, city, public agency, private nontax-exempt agency, private tax-exempt agency, or other entity that is authorized to establish, maintain, or operate services pursuant to this chapter. Private agencies and parent cooperatives, duly licensed by law, shall receive the same consideration as any other authorized entity with no loss of parental decisionmaking prerogatives as consistent with the provisions of this chapter.

(d) “Assigned reimbursement rate” is that rate established by the contract with the agency and is derived by dividing the total dollar amount of the contract by the minimum child day of average daily enrollment level of service required.

(e) “Attendance” means the number of children present at a child care and development facility. “Attendance,” for the

1 purposes of reimbursement, includes excused absences by
2 children because of illness, quarantine, illness or quarantine of
3 their parent, family emergency, or to spend time with a parent or
4 other relative as required by a court of law or that is clearly in the
5 best interest of the child.

6 (f) “Capital outlay” means the amount paid for the renovation
7 and repair of child care and development facilities to comply
8 with state and local health and safety standards, and the amount
9 paid for the state purchase of relocatable child care and
10 development facilities for lease to qualifying contracting
11 agencies.

12 (g) “Caregiver” means a person who provides direct care,
13 supervision, and guidance to children in a child care and
14 development facility.

15 (h) “Child care and development facility” means any residence
16 or building or part thereof in which child care and development
17 services are provided.

18 (i) “Child care and development programs” means those
19 programs that offer a full range of services for children from
20 infancy to 13 years of age for any part of a day, by a public or
21 private agency, in centers and family child care homes. These
22 programs include, but are not limited to, all of the following:

- 23 (1) Campus child care and development.
- 24 (2) General child care and development.
- 25 (3) Migrant child care and development.
- 26 (4) Child care provided by the California School Age Families
27 Education Program (Article 7.1 (commencing with Section
28 54740) of Chapter 9 of Part 29).
- 29 (5) State preschool.
- 30 (6) Resource and referral.
- 31 (7) Child care and development services for children with
32 special needs.
- 33 (8) Family child care home education network.
- 34 (9) Alternative payment.
- 35 (10) Child abuse protection and prevention services.
- 36 (11) Schoolage community child care.

37 (j) “Child care and development services” means those
38 services designed to meet a wide variety of needs of children and
39 their families, while their parents or guardians are working, in
40 training, seeking employment, incapacitated, or in need of

1 respite. These services may include direct care and supervision,
2 instructional activities, resource and referral programs, and
3 alternative payment arrangements.

4 (k) “Children at risk of abuse, neglect, or exploitation” means
5 children who are so identified in a written referral from a legal,
6 medical, or social service agency, or emergency shelter.

7 (l) “Children with exceptional needs” means either of the
8 following:

9 (1) Infants and toddlers under three years of age who have
10 been determined to be eligible for early intervention services
11 pursuant to the California Early Intervention Services Act (Title
12 14 (commencing with Section 95000) of the Government Code)
13 and its implementing regulations. These children include an
14 infant or toddler with a developmental delay or established risk
15 condition, or who is at high risk of having a substantial
16 developmental disability, as defined in subdivision (a) of Section
17 95014 of the Government Code. These children shall have active
18 individualized family service plans, shall be receiving early
19 intervention services, and shall be children who require the
20 special attention of adults in a child care setting.

21 (2) Children ages 3 to 21 years, inclusive, who have been
22 determined to be eligible for special education and related
23 services by an individualized education program team according
24 to the special education requirements contained in Part 30
25 (commencing with Section 56000), and who meet eligibility
26 criteria described in Section 56026 and Sections 56333 to 56338,
27 inclusive, and Sections 3030 and 3031 of Title 5 of the California
28 Code of Regulations. These children shall have an active
29 individualized education program, shall be receiving early
30 intervention services or appropriate special education and related
31 services, and shall be children who require the special attention
32 of adults in a child care setting. These children include children
33 with mental retardation, hearing impairments (including
34 deafness), speech or language impairments, visual impairments
35 (including blindness), serious emotional disturbance (also
36 referred to as emotional disturbance), orthopedic impairments,
37 autism, traumatic brain injury, other health impairments, or
38 specific learning disabilities, who need special education and
39 related services consistent with paragraph (A) of subsection (3)
40 of Section 1401 of Title 20 of the United States Code.

1 (m) “Closedown costs” means reimbursements for all
2 approved activities associated with the closing of operations at
3 the end of each growing season for migrant child development
4 programs only.

5 (n) “Cost” includes, but is not limited to, expenditures that are
6 related to the operation of child care and development programs.
7 “Cost” may include a reasonable amount for state and local
8 contributions to employee benefits, including approved
9 retirement programs, agency administration, and any other
10 reasonable program operational costs. “Cost” may also include
11 amounts for licensable facilities in the community served by the
12 program, including lease payments or depreciation,
13 downpayments, and payments of principal and interest on loans
14 incurred to acquire, rehabilitate, or construct licensable facilities,
15 but these costs shall not exceed fair market rents existing in the
16 community in which the facility is located. “Reasonable and
17 necessary costs” are costs that, in nature and amount, do not
18 exceed what an ordinary prudent person would incur in the
19 conduct of a competitive business.

20 (o) “Elementary school,” as contained in Section 425 of Title
21 20 of the United States Code (the National Defense Education
22 Act of 1958, Public Law 85-864, as amended), includes early
23 childhood education programs and all child development
24 programs, for the purpose of the cancellation provisions of loans
25 to students in institutions of higher learning.

26 (p) “Family child care home education network” means an
27 entity organized under law that contracts with the department
28 pursuant to Section 8245 to make payments to licensed family
29 child care home providers and to provide educational and support
30 services to those providers and to children and families eligible
31 for state-subsidized child care and development services. A
32 family child care home education network may also be referred
33 to as a family child care home system.

34 (q) “Health services” include, but are not limited to, all of the
35 following:

36 (1) Referral, whenever possible, to appropriate health care
37 providers able to provide continuity of medical care.

38 (2) Health screening and health treatment, including a full
39 range of immunization recorded on the appropriate state
40 immunization form to the extent provided by the Medi-Cal Act

(Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code) and the Child Health and Disability Prevention Program (Article 6 (commencing with Section 124025) of Chapter 3 of Part 2 of Division 106 of the Health and Safety Code), but only to the extent that ongoing care cannot be obtained utilizing community resources.

(3) Health education and training for children, parents, staff, and providers.

(4) Followup treatment through referral to appropriate health care agencies or individual health care professionals.

(r) “Higher educational institutions” means the Regents of the University of California, the Trustees of the California State University, the Board of Governors of the California Community Colleges, and the governing bodies of any accredited private nonprofit institution of postsecondary education.

(s) “Intergenerational staff” means persons of various generations.

(t) “Limited-English-speaking-proficient and non-English-speaking-proficient children” means children who are unable to benefit fully from an English-only child care and development program as a result of either of the following:

(1) Having used a language other than English when they first began to speak.

(2) Having a language other than English predominantly or exclusively spoken at home.

(u) “Parent” means a biological parent, stepparent, adoptive parent, foster parent, caretaker relative, or any other adult living with a child who has responsibility for the care and welfare of the child.

(v) “Program director” means a person who, pursuant to Sections 8244 and 8360.1, is qualified to serve as a program director.

(w) “Proprietary child care agency” means an organization or facility providing child care, which is operated for profit.

(x) “Resource and referral programs” means programs that provide information to parents, including referrals and coordination of community resources for parents and public or private providers of care. Services frequently include, but are not limited to: technical assistance for providers, toy-lending

1 libraries, equipment-lending libraries, toy- and
2 equipment-lending libraries, staff development programs, health
3 and nutrition education, and referrals to social services.

4 (y) “Severely disabled children” are children with exceptional
5 needs from birth to 21 years of age, inclusive, who require
6 intensive instruction and training in programs serving pupils with
7 the following profound disabilities: autism, blindness, deafness,
8 severe orthopedic impairments, serious emotional disturbances,
9 or severe mental retardation. “Severely disabled children” also
10 include those individuals who would have been eligible for
11 enrollment in a developmental center for handicapped pupils
12 under Chapter 6 (commencing with Section 56800) of Part 30 as
13 it read on January 1, 1980.

14 (z) “Short-term respite child care” means child care service to
15 assist families whose children have been identified through
16 written referral from a legal, medical, or social service agency, or
17 emergency shelter as being neglected, abused, exploited, or
18 homeless, or at risk of being neglected, abused, exploited, or
19 homeless. Child care is provided for less than 24 hours per day in
20 child care centers, treatment centers for abusive parents, family
21 child care homes, or in the child’s own home.

22 (aa) (1) “Site supervisor” means a person who, regardless of
23 his or her title, has operational program responsibility for a child
24 care and development program at a single site. A site supervisor
25 shall hold a permit issued by the Commission on Teacher
26 Credentialing that authorizes supervision of a child care and
27 development program operating in a single site. The
28 Superintendent may waive the requirements of this subdivision if
29 the superintendent determines that the existence of compelling
30 need is appropriately documented.

31 (2) In respect to state preschool programs, a site supervisor
32 may qualify under any of the provisions in this subdivision, or
33 may qualify by holding an administrative credential or an
34 administrative services credential. A person who meets the
35 qualifications of a site supervisor under both Section 8244 and
36 subdivision (e) of Section 8360.1 is also qualified under this
37 subdivision.

38 (ab) “Standard reimbursement rate” means that rate
39 established by the Superintendent pursuant to Section 8265.

1 (ac) “Startup costs” means those expenses an agency incurs in
2 the process of opening a new or additional facility prior to the
3 full enrollment of children.

4 (ad) “State preschool services” means part-day educational
5 programs for low-income or otherwise disadvantaged
6 prekindergarten-age children.

7 (ae) “Support services” means those services that, when
8 combined with child care and development services, help
9 promote the healthy physical, mental, social, and emotional
10 growth of children. Support services include, but are not limited
11 to: protective services, parent training, provider and staff
12 training, transportation, parent and child counseling, child
13 development resource and referral services, and child placement
14 counseling.

15 (af) “Teacher” means a person with the appropriate permit
16 issued by the Commission on Teacher Credentialing who
17 provides program supervision and instruction that includes
18 supervision of a number of aides, volunteers, and groups of
19 children.

20 (ag) “Underserved area” means a county or subcounty area,
21 including, but not limited to, school districts, census tracts, or
22 ZIP Code areas, where the ratio of publicly subsidized child care
23 and development program services to the need for these services
24 is low, as determined by the Superintendent.

25 (ah) “Workday” means the time that the parent requires
26 temporary care for a child for any of the following reasons:

27 (1) To undertake training in preparation for a job.

28 (2) To undertake or retain a job.

29 (3) To undertake other activities that are essential to
30 maintaining or improving the social and economic function of the
31 family, are beneficial to the community, or are required because
32 of health problems in the family.

33 SEC. 5. Section 8212 of the Education Code is amended to
34 read:

35 8212. For purposes of this article, child care resource and
36 referral programs, established to serve a defined geographic area,
37 shall provide the following services:

38 (a) Identification of the full range of existing child care
39 services through information provided by all relevant public and
40 private agencies in the areas of service, and the development of a

1 resource file of those services which shall be maintained and
2 updated at least quarterly. These services shall include, but not be
3 limited to, family day care homes, public and private day care
4 programs, full-time and part-time programs, and infant,
5 preschool, and extended care programs.

6 The resource file shall include, but not be limited to, the
7 following information:

8 (1) Type of program.

9 (2) Hours of service.

10 (3) Ages of children served.

11 (4) Fees and eligibility for services.

12 (5) Significant program information.

13 (b) (1) Establishment of a referral process which responds to
14 parental need for information and which is provided with full
15 recognition of the confidentiality rights of parents. Resource and
16 referral programs shall make referrals to licensed child day care
17 facilities. Referrals shall be made to unlicensed care facilities
18 only if there is no requirement that the facility be licensed. The
19 referral process shall afford parents maximum access to all
20 referral information. This access shall include, but is not limited
21 to, telephone referrals to be made available for at least 30 hours
22 per week as part of a full week of operation. Every effort shall be
23 made to reach all parents within the defined geographic area,
24 including, but not limited to, any of the following:

25 (A) Toll-free telephone lines.

26 (B) Office space convenient to parents and providers.

27 (C) Referrals in languages which are spoken in the
28 community.

29 Each child care resource and referral program shall publicize
30 its services through all available media sources, agencies, and
31 other appropriate methods.

32 (2) (A) Provision of information to any person who requests a
33 child care referral of his or her right to view the licensing
34 information of a licensed child day care facility required to be
35 maintained at the facility pursuant to Section 1596.859 of the
36 Health and Safety Code and to access any public files pertaining
37 to the facility that are maintained by the State Department of
38 Social Services Community Care Licensing Division.

39 (B) A written or oral advisement in substantially the following
40 form will comply with the requirements of subparagraph (A):

1 “State law requires licensed child day care facilities to make
2 accessible to the public a copy of any licensing report pertaining
3 to the facility that documents a facility visit or a substantiated
4 complaint investigation. In addition, a more complete file
5 regarding a child care licensee may be available at an office of
6 the State Department of Social Services Community Care
7 Licensing Division. You have the right to access any public
8 information in these files.”

9 (c) Maintenance of ongoing documentation of requests for
10 service tabulated through the internal referral process. The
11 following documentation of requests for service shall be
12 maintained by all child care resource and referral programs:

13 (1) Number of calls and contacts to the child care information
14 and referral program or component.

15 (2) Ages of children served.

16 (3) Time category of child care request for each child.

17 (4) Special time category, such as nights, weekends, and swing
18 shift.

19 (5) Reason that the child care is needed.

20 This information shall be maintained in a manner that is easily
21 accessible for dissemination purposes.

22 (d) Provision of technical assistance to existing and potential
23 providers of all types of child care services. This assistance shall
24 include, but not be limited to:

25 (1) Information on all aspects of initiating new child care
26 services including, but not limited to, licensing, zoning, program
27 and budget development, and assistance in finding this
28 information from other sources.

29 (2) Information and resources that help existing child care
30 services providers to maximize their ability to serve the children
31 and parents of their community.

32 (3) Dissemination of information on current public issues
33 affecting the local and state delivery of child care services.

34 (4) Facilitation of communication between existing child care
35 and child-related services providers in the community served.

36 Services prescribed by this section shall be provided in order to
37 maximize parental choice in the selection of child care to
38 facilitate the maintenance and development of child care services
39 and resources.

1 (e) (1) A program operating pursuant to this article shall,
2 within two business days of receiving notice, remove a licensed
3 child day care facility with a revocation or a temporary
4 suspension order, or that is on probation from the program's
5 referral list.

6 (2) A program operating pursuant to this article shall, within
7 two business days of receiving notice, notify all entities,
8 operating a program under Article 3 (commencing with Section
9 8220) and Article 15.5 (commencing with Section 8350) in the
10 program's jurisdiction, of a licensed child day care facility with a
11 revocation or a temporary suspension order, or that is on
12 probation.

13 SEC. 5.5. Section 8222 of the Education Code is amended to
14 read:

15 8222. Payments made by alternative payment programs shall
16 be equal to the fee charged to full-cost families in each program,
17 not to exceed the applicable market rate ceiling. Alternative
18 payment programs may expend more than the standard
19 reimbursement rate for a particular child. However, the aggregate
20 payments for services purchased by the agency during the
21 contract year may not exceed the assigned reimbursable amount
22 as established by the contract for the year.

23 No agency may make payments in excess of the fee charged to
24 full-cost families.

25 This section does not preclude alternative payment programs
26 from using the average daily enrollment adjustment factors for
27 children with exceptional needs as provided in Section 8265.5.

28 SEC. 6. Section 8226 of the Education Code is amended to
29 read:

30 8226. (a) When making referrals, every program operating
31 pursuant to this article shall provide information to any person
32 who requests a child care referral of his or her right to view the
33 licensing information of a licensed child day care facility
34 required to be maintained at the facility pursuant to Section
35 1596.859 of the Health and Safety Code and to access any public
36 files pertaining to the facility that are maintained by the State
37 Department of Social Services Community Care Licensing
38 Division.

39 (b) A written or oral advisement in substantially the following
40 form will comply with the requirements of subdivision (a):

1 “State law requires licensed child day care facilities to make
2 accessible to the public a copy of any licensing report pertaining
3 to the facility that documents a facility visit or a substantiated
4 complaint investigation. In addition, a more complete file
5 regarding a child care licensee may be available at an office of
6 the State Department of Social Services Community Care
7 Licensing Division. You have the right to access any public
8 information in these files.”

9 (c) Every program operating pursuant to this article shall,
10 within two days of receiving notice, remove from the program’s
11 referral list the name of any licensed child day care facility with
12 a revocation or a temporary suspension order or that is on
13 probation.

14 (d) A program operating pursuant to this article shall, within
15 two business days of being notified of a revocation or a
16 temporary suspension order for a licensed child day care facility,
17 do both of the following:

18 (1) Terminate payment to the facility.

19 (2) Notify each parent and the facility in writing that payment
20 has been terminated and the reason for the termination.

21 (e) A program operating pursuant to this article shall, upon
22 being notified that a licensed child day care facility has been
23 placed on probation, provide written notice to each parent
24 utilizing the facility that the facility has been placed on probation
25 and that the parent has the option of selecting a different child
26 day care provider or remaining with the facility without risk of
27 subsidy payments to the provider being terminated. The
28 Legislature urges each agency operating pursuant to this section
29 to provide the written notice required by this subdivision in the
30 primary language of the parent, to the extent feasible.

31 SEC. 7. Section 8352 of the Education Code is amended to
32 read:

33 8352. (a) As soon as appropriate, a county welfare
34 department shall refer families needing child care services to the
35 local child care resource and referral program funded pursuant to
36 Article 2 (commencing with Section 8210). Resource and referral
37 program staff shall colocate with a county welfare department’s
38 case management offices for aid under Chapter 2 (commencing
39 with Section 11200) of Part 3 of Division 9 of the Welfare and
40 Institutions Code, or any successor program, or arrange other

1 means of swift communication with parents and case managers
2 of this aid. The local child care resource and referral program
3 shall assist families to establish stable child care arrangements as
4 soon as possible. These child care arrangements may include
5 licensed and license-exempt care.

6 (b) A program operating pursuant to this article shall, within
7 two business days of being notified of a revocation or a
8 temporary suspension order for a licensed child day care facility,
9 do both of the following:

10 (1) Terminate payment to the facility.

11 (2) Notify each parent and the facility in writing that payment
12 has been terminated and the reason for the termination.

13 (c) A program operating pursuant to this article shall, upon
14 being notified that a licensed child care facility has been placed
15 on probation, provide written notice to each parent utilizing the
16 facility that the facility has been placed on probation and that the
17 parent has the option of selecting a different child day care
18 provider or remaining with the facility without risk of subsidy
19 payments to the provider being terminated. The Legislature urges
20 each agency operating pursuant to this section to provide the
21 written notice required by this subdivision in the primary
22 language of the parent, to the extent feasible.

23 SEC. 8. Section 8421 of the Education Code is amended to
24 read:

25 8421. There is hereby established the 21st Century High
26 School After School Safety and Enrichment for Teens program.
27 The purpose of the program is to create incentives for
28 establishing locally driven after school enrichment programs that
29 partner schools and communities to provide academic support
30 and safe, constructive alternatives for high school pupils in the
31 hours after the regular schoolday.

32 (a) A minimum of 10 high school after school programs shall
33 be established to serve pupils in grades 9 to 12, inclusive.

34 (b) A high school after school program established pursuant to
35 this article shall consist of the following two components:

36 (1) An academic assistance component that shall include, but
37 need not be limited to, at least one of the following: preparation
38 for the high school exit examination, tutoring, homework
39 assistance, or college preparation, including information about
40 the Cal Grant Program established pursuant to Article 3

(commencing with Section 69530) of Chapter 2 of Part 42. The assistance shall be aligned with the regular academic programs of the pupils.

(2) An enrichment activities component that may include, but need not be limited to, community service, career and technical education, job readiness, opportunities for mentoring and tutoring younger pupils, service learning, arts, computer and technology training, physical fitness, and recreation activities.

(c) A program shall comply with locally determined requirements related to hours and days of program operation through the 2005-06 fiscal year. Commencing with the 2006-07 fiscal year and thereafter, a program shall comply with the requirements of the department related to the hours and days of program operation.

(d) An entity may operate programs on one or multiple sites. If an entity plans to operate programs at multiple sites, only one application is required.

(e) A program may operate on a schoolsite or on another site approved by the department during the grant application process. A program located off school grounds shall not be approved unless both of the following criteria are met:

(1) Safe transportation is available to transport participating pupils if necessary.

(2) The program is at least as available and accessible as similar programs conducted on schoolsites.

(f) Applicants for grants pursuant to this article shall ensure that all of the following requirements are fulfilled, if applicable:

(1) The application includes a description of the activities that will be available for pupils and lists the program hours.

(2) The application includes an estimate of the following:

(A) The number of pupils expected to attend the program on a regular basis.

(B) The average hours of attendance per pupil.

(C) The percentage of pupils expected to attend the program less than three days a week, three days a week, and more than three days a week, for each quarter or semester during the grant period.

(3) The application documents the commitments of each partner to operate a program at a location or locations that are safe and accessible to participating pupils.

1 (4) The application demonstrates that pupils were involved in
2 the design of the program and describes the extent of that
3 involvement.

4 (5) The application identifies federal, state, and local programs
5 that will be combined or coordinated with the high school after
6 school program for the most effective use of public resources,
7 and describes a plan for implementing the high school after
8 school program beyond federal grant funding.

9 (6) The applicant complies with all federal requirements in
10 preparing and submitting the application, as described in the
11 request for applications of the department.

12 (g) The department shall not establish minimum attendance
13 requirements for individual pupils.

14 SEC. 8.5. Section 17592.70 of the Education Code is
15 amended to read:

16 17592.70. (a) There is hereby established the School
17 Facilities Needs Assessment Grant Program with the purpose to
18 provide for a one-time comprehensive assessment of school
19 facilities needs. The grant program shall be administered by the
20 State Allocation Board.

21 (b) (1) The grants shall be awarded to school districts on
22 behalf of schoolsites ranked in deciles 1 to 3, inclusive, on the
23 Academic Performance Index (API), pursuant to Section 52056,
24 based on the 2003 base API score for each school newly
25 constructed prior to January 1, 2000.

26 (2) For purposes of this section, schools ranked in deciles 1 to
27 3, inclusive, on the 2003 base API shall include any schools
28 determined by the department to meet either of the following:

29 (A) The school meets all of the following criteria:

30 (i) Does not have a valid base API score for 2003.

31 (ii) Is operating in fiscal year 2004-05 and was operating in
32 fiscal year 2003-04 during the Standardized Testing and
33 Reporting (STAR) Program testing period.

34 (iii) Has a valid base API score for 2002 that was ranked in
35 deciles 1 to 3, inclusive, in that year.

36 (B) The school has an estimated base API score for 2003 that
37 would be in deciles 1 to 3, inclusive.

38 (3) The department shall estimate an API score for any school
39 meeting the criteria of clauses (i) and (ii) of subparagraph (A) of
40 paragraph (2) and not meeting the criteria of clause (iii) of

1 subparagraph (A) of paragraph (2), using available testing scores
2 and any weighting or corrective factors it deems appropriate. The
3 department shall provide those API scores to the Office of Public
4 School Construction and post them on its Web site within 30
5 days of the enactment of this section.

6 (4) For purposes of this section, schools ranked in deciles 1 to
7 3, inclusive, on the 2003 base API shall exclude any schools
8 determined by the department to be operated by county offices of
9 education pursuant to Section 56140.

10 (c) The board shall allocate funds pursuant to subdivision (b)
11 to school districts with jurisdiction over eligible schoolsites,
12 based on ten dollars (\$10) per pupil enrolled in the eligible
13 school as of October 2003, with a minimum allocation of seven
14 thousand five hundred dollars (\$7,500) for each schoolsite.

15 (d) As a condition of receiving funds pursuant to this section,
16 school districts shall do all of the following:

17 (1) Use the funds to develop a comprehensive needs
18 assessment of all schoolsites eligible for grants pursuant to
19 subdivision (b). The assessment shall contain, at a minimum, all
20 of the following information for each schoolsite:

21 (A) The year each building that is currently used for
22 instructional purposes was constructed.

23 (B) The year, if any, each building that is currently used for
24 instructional purposes was last modernized.

25 (C) The pupil capacity of the school.

26 (D) The number of pupils enrolled in the school.

27 (E) The density of the school campus measured in pupils per
28 acre.

29 (F) The total number of classrooms at the school.

30 (G) The age and number of portable classrooms at the school.

31 (H) Whether the school is operating on a multitrack,
32 year-round calendar, and, if so, what type.

33 (I) Whether the school has a cafeteria, or an auditorium or
34 other space used for pupil eating and not for class instruction.

35 (J) The useful life remaining of all major building systems for
36 each structure housing instructional space, including, but not
37 limited to, sewer, water, gas, electrical, roofing, and fire and life
38 safety protection.

39 (K) The estimated costs for five years necessary to maintain
40 functionality of each instructional space to maintain health,

1 safety, and suitable learning environment, as applicable,
2 including classroom, counseling areas, administrative space,
3 libraries, gymnasiums, multipurpose and dining space, and the
4 accessibility to those spaces.

5 (L) A list of necessary repairs.

6 (2) Use the data currently filed with the state as part of the
7 process of applying for and obtaining modernization or
8 construction funds for school facilities, or information that is
9 available in the California Basic Education Data System for the
10 element required in subparagraphs (D), (E), (F), and (G) of
11 paragraph (1).

12 (3) Use the assessment as the baseline for the facilities
13 inspection system required pursuant to subdivision (e) of Section
14 17070.75.

15 (4) Provide the results of the assessment to the Office of
16 Public School Construction, including a report on the
17 expenditures made in performing the assessment. It is the intent
18 of the Legislature that the assessments be completed as soon as
19 possible, but not later than January 1, 2006.

20 (5) If a school district does not need the full amount of the
21 allocation it receives pursuant to this section, the school district
22 shall expend the remaining funds for making facilities repairs
23 identified in its needs assessment. The school district shall report
24 to the Office of Public School Construction on the repairs
25 completed pursuant to this paragraph and the cost of the repairs.

26 (6) Submit to the Office of Public School Construction an
27 interim report regarding the progress made by the school district
28 in completing the assessments of all eligible schools.

29 SEC. 8.7. Section 35186 of the Education Code is amended to
30 read:

31 35186. (a) A school district shall use the uniform complaint
32 process it has adopted as required by Chapter 5.1 (commencing
33 with Section 4600) of Title 5 of the California Code of
34 Regulations, with modifications, as necessary, to help identify
35 and resolve any deficiencies related to instructional materials,
36 emergency or urgent facilities conditions that pose a threat to the
37 health and safety of pupils or staff, and teacher vacancy or
38 misassignment.

39 (1) A complaint may be filed anonymously. A complainant
40 who identifies himself or herself is entitled to a response if he or

1 she indicates that a response is requested. A complaint form shall
2 include a space to mark to indicate whether a response is
3 requested. All complaints and responses are public records.

4 (2) The complaint form shall specify the location for filing a
5 complaint. A complainant may add as much text to explain the
6 complaint as he or she wishes.

7 (3) A complaint shall be filed with the principal of the school
8 or his or her designee. A complaint about problems beyond the
9 authority of the school principal shall be forwarded in a timely
10 manner but not to exceed 10 working days to the appropriate
11 school district official for resolution.

12 (b) The principal or the designee of the district superintendent,
13 as applicable, shall make all reasonable efforts to investigate any
14 problem within his or her authority. The principal or designee of
15 the district superintendent shall remedy a valid complaint within
16 a reasonable time period but not to exceed 30 working days from
17 the date the complaint was received. The principal or designee of
18 the district superintendent shall report to the complainant the
19 resolution of the complaint within 45 working days of the initial
20 filing. If the principal makes this report, the principal shall also
21 report the same information in the same timeframe to the
22 designee of the district superintendent.

23 (c) A complainant not satisfied with the resolution of the
24 principal or the designee of the district superintendent has the
25 right to describe the complaint to the governing board of the
26 school district at a regularly scheduled hearing of the governing
27 board. As to complaints involving a condition of a facility that
28 poses an emergency or urgent threat, as defined in paragraph (1)
29 of subdivision (c) of Section 17592.72, a complainant who is not
30 satisfied with the resolution proffered by the principal or the
31 designee of the district superintendent has the right to file an
32 appeal to the Superintendent, who shall provide a written report
33 to the State Board of Education describing the basis for the
34 complaint and, as appropriate, a proposed remedy for the issue
35 described in the complaint.

36 (d) A school district shall report summarized data on the
37 nature and resolution of all complaints on a quarterly basis to the
38 county superintendent of schools and the governing board of the
39 school district. The summaries shall be publicly reported on a
40 quarterly basis at a regularly scheduled meeting of the governing

1 board of the school district. The report shall include the number
2 of complaints by general subject area with the number of
3 resolved and unresolved complaints. The complaints and written
4 responses shall be available as public records.

5 (e) The procedure required pursuant to this section is intended
6 to address all of the following:

7 (1) A complaint related to instructional materials as follows:

8 (A) A pupil, including an English learner, does not have
9 standards-aligned textbooks or instructional materials or
10 state-adopted or district-adopted textbooks or other required
11 instructional material to use in class.

12 (B) A pupil does not have access to instructional materials to
13 use at home or after school.

14 (C) Textbooks or instructional materials are in poor or
15 unusable condition, have missing pages, or are unreadable due to
16 damage.

17 (2) A complaint related to teacher vacancy or misassignment
18 as follows:

19 (A) A semester begins and a teacher vacancy exists.

20 (B) A teacher who lacks credentials or training to teach
21 English learners is assigned to teach a class with more than
22 20-percent English learner pupils in the class. This subparagraph
23 does not relieve a school district from complying with state or
24 federal law regarding teachers of English learners.

25 (C) A teacher is assigned to teach a class for which the teacher
26 lacks subject matter competency.

27 (3) A complaint related to the condition of facilities that pose
28 an emergency or urgent threat to the health or safety of pupils or
29 staff as defined in paragraph (1) of subdivision (c) of Section
30 17592.72 and any other emergency conditions the school district
31 determines appropriate.

32 (f) In order to identify appropriate subjects of complaint, a
33 notice shall be posted in each classroom in each school in the
34 school district notifying parents, guardians, pupils, and teachers
35 of the following:

36 (1) There should be sufficient textbooks and instructional
37 materials. For there to be sufficient textbooks and instructional
38 materials each pupil, including English learners, must have a
39 textbook or instructional materials, or both, to use in class and to
40 take home.

(2) School facilities must be clean, safe, and maintained in good repair.

(3) There should be no teacher vacancies or misassignments as defined in paragraphs (2) and (3) of subdivision (h).

(4) The location at which to obtain a form to file a complaint in case of a shortage. Posting a notice downloadable from the Web site of the department shall satisfy this requirement.

(g) A local educational agency shall establish local policies and procedures, post notices, and implement this section on or before January 1, 2005.

(h) For purposes of this section, the following definitions apply:

(1) “Good repair” has the same meaning as specified in subdivision (d) of Section 17002.

(2) “Misassignment” means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

(3) “Teacher vacancy” means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

SEC. 9. Section 38101 of the Education Code is amended to read:

38101. (a) The governing board of a school district may authorize expenditures from the cafeteria fund or cafeteria account only for those charges from that fund or account that are defined in the California School Accounting Manual.

(b) A food service program shall not be charged more than once for expenditures for the same service. If a food service program is being charged for a service as a direct cost, the school district shall not also allocate that cost as a direct support cost or indirect cost.

(c) For purposes of this section, an “indirect cost” shall be limited to the lesser of the school district’s prior year indirect

1 cost rate as approved by the department or the statewide average
2 approved indirect cost for the second prior fiscal year.

3 (d) Charges to, or transfers from, a food service program shall
4 indicate when the charge or transfer was made and shall be
5 accompanied by a written explanation of the purpose of, and
6 basis for, the expenditure.

7 (e) This section does not authorize a school district to charge a
8 food service program any charges prohibited by state or federal
9 law or regulation.

10 (f) If the department and the Department of Finance concur
11 that a school district has violated this section, the Superintendent
12 shall direct that school district to transfer double the amount
13 improperly transferred to the general fund of the school district
14 from that fund to the cafeteria fund of the school district or
15 cafeteria account for the subsequent fiscal year which is then to
16 be used for the improvement of the food service program of the
17 school district. If the school district fails to make that transfer as
18 directed, the Superintendent shall reduce the regular
19 apportionment of the school district determined pursuant to
20 Section 42238 and increase the child nutrition allowance of the
21 school district determined pursuant to Section 41350 by double
22 the amount improperly transferred to the general fund of the
23 school district and that amount is then to be used for
24 improvement of the food service program.

25 (g) It is the intent of the Legislature in enacting this section
26 that responsible school district officials be held fully accountable
27 for the accounting and reporting of food service programs and
28 that minor and inadvertent instances of noncompliance be
29 resolved in a fair and equitable manner to the satisfaction of the
30 Superintendent and the Department of Finance.

31 (h) The Superintendent, with the approval of the Department
32 of Finance, may waive up to the full transfer amount in
33 subdivision (f) if he or she determines that the noncompliance
34 involved is minor or inadvertent, or both.

35 SEC. 9.5. Section 41020 of the Education Code is amended to
36 read:

37 41020. (a) It is the intent of the Legislature to encourage
38 sound fiscal management practices among local educational
39 agencies for the most efficient and effective use of public funds

1 for the education of children in California by strengthening fiscal
2 accountability at the district, county, and state levels.

3 (b) (1) Not later than the first day of May of each fiscal year,
4 each county superintendent of schools shall provide for an audit
5 of all funds under his or her jurisdiction and control and the
6 governing board of each local educational agency shall either
7 provide for an audit of the books and accounts of the local
8 educational agency, including an audit of income and
9 expenditures by source of funds, or make arrangements with the
10 county superintendent of schools having jurisdiction over the
11 local educational agency to provide for that auditing.

12 (2) A contract to perform the audit of a local educational
13 agency that has a disapproved budget or has received a negative
14 certification on any budget or interim financial report during the
15 current fiscal year or either of the two preceding fiscal years, or
16 for which the county superintendent of schools has otherwise
17 determined that a lack of going concern exists, is not valid unless
18 approved by the responsible county superintendent of schools
19 and the governing board.

20 (3) If the governing board of a local educational agency has
21 not provided for an audit of the books and accounts of the local
22 educational agency by April 1, the county superintendent of
23 schools having jurisdiction over the local educational agency
24 shall provide for the audit of each local educational agency.

25 (4) An audit conducted pursuant to this section shall fully
26 comply with the Government Auditing Standards issued by the
27 Comptroller General of the United States.

28 (5) For purposes of this section, “local educational agency”
29 does not include community colleges.

30 (c) Each audit conducted in accordance with this section shall
31 include all funds of the local educational agency, including the
32 student body and cafeteria funds and accounts and any other
33 funds under the control or jurisdiction of the local educational
34 agency. Each audit shall also include an audit of pupil attendance
35 procedures.

36 (d) All audit reports for each fiscal year shall be developed
37 and reported using a format established by the Controller after
38 consultation with the Superintendent and the Director of Finance.

39 (e) (1) The cost of the audits provided for by the county
40 superintendent of schools shall be paid from the county school

1 service fund and the county superintendent of schools shall
2 transfer the pro rata share of the cost chargeable to each district
3 from district funds.

4 (2) The cost of the audit provided for by a governing board
5 shall be paid from local educational agency funds. The audit of
6 the funds under the jurisdiction and control of the county
7 superintendent of schools shall be paid from the county school
8 service fund.

9 (f) (1) The audits shall be made by a certified public
10 accountant or a public accountant, licensed by the California
11 Board of Accountancy, and selected by the local educational
12 agency, as applicable, from a directory of certified public
13 accountants and public accountants deemed by the Controller as
14 qualified to conduct audits of local educational agencies, which
15 shall be published by the Controller not later than December 31
16 of each year.

17 (2) Commencing with the 2003-04 fiscal year and except as
18 provided in subdivision (d) of Section 41320.1, it is unlawful for
19 a public accounting firm to provide audit services to a local
20 educational agency if the lead audit partner, or coordinating audit
21 partner, having primary responsibility for the audit, or the audit
22 partner responsible for reviewing the audit, has performed audit
23 services for that local educational agency in each of the six
24 previous fiscal years. The Education Audits Appeal Panel may
25 waive this requirement if the panel finds that no otherwise
26 eligible auditor is available to perform the audit.

27 (3) It is the intent of the Legislature that, notwithstanding
28 paragraph (2) of this subdivision, the rotation within public
29 accounting firms conform to provisions of the federal
30 Sarbanes-Oxley Act of 2002 (P.L. 107-204; 15 U.S.C. Sec. 7201
31 et seq.), and upon release of the report required by the act of the
32 Comptroller General of the United States addressing the
33 mandatory rotation of registered public accounting firms, the
34 Legislature intends to reconsider the provisions of paragraph (2).
35 In determining which certified public accountants and public
36 accountants shall be included in the directory, the Controller
37 shall use the following criteria:

38 (A) The certified public accountants or public accountants
39 shall be in good standing as certified by the Board of
40 Accountancy.

(B) The certified public accountants or public accountants, as a result of a quality control review conducted by the Controller pursuant to Section 14504.2, shall not have been found to have conducted an audit in a manner constituting noncompliance with subdivision (a) of Section 14503.

(g) (1) The auditor's report shall include each of the following:

(A) A statement that the audit was conducted pursuant to standards and procedures developed in accordance with Chapter 3 (commencing with Section 14500) of Part 9 of Division 1 of Title 1.

(B) A summary of audit exceptions and management improvement recommendations.

(C) Each audit of a local educational agency shall include an evaluation ~~of~~ by the auditor on whether there is substantial doubt about the ability of the local educational agency to continue as a going concern for a reasonable period of time. This evaluation shall be based on the Statement of Auditing Standards (SAS) No. 59, as issued by the AICPA regarding disclosure requirements relating to the ability of the entity to continue as a going concern.

(2) To the extent possible, a description of correction or plan of correction shall be incorporated in the audit report, describing the specific actions that are planned to be taken, or that have been taken, to correct the problem identified by the auditor. The descriptions of specific actions to be taken or that have been taken shall not solely consist of general comments such as "will implement," "accepted the recommendation," or "will discuss at a later date."

(h) Not later than December 15, a report of each local educational agency audit for the preceding fiscal year shall be filed with the county superintendent of schools of the county in which the local educational agency is located, the department, and the Controller. The Superintendent shall make any adjustments necessary in future apportionments of all state funds, to correct any audit exceptions revealed by those audit reports.

(i) (1) Commencing with the 2002-03 audit of local educational agencies pursuant to this section, each county superintendent of schools shall be responsible for reviewing the audit exceptions contained in an audit of a local educational agency under his or her jurisdiction related to attendance,

1 inventory of equipment, internal control, and any miscellaneous
2 items, and determining whether the exceptions have been either
3 corrected or an acceptable plan of correction has been developed.

4 (2) Commencing with the 2004-05 audit of local educational
5 agencies pursuant to this section, each county superintendent of
6 schools shall include in the review of audit exceptions performed
7 pursuant to this subdivision those audit exceptions related to use
8 of instructional materials program funds, teacher misassignments
9 pursuant to Section 44258.9, information reported on the school
10 accountability report card required pursuant to Section 33126 and
11 shall determine whether the exceptions are either corrected or an
12 acceptable plan of correction has been developed.

13 (j) Upon submission of the final audit report to the governing
14 board of each local educational agency and subsequent receipt of
15 the audit by the county superintendent of schools having
16 jurisdiction over the local educational agency, the county office
17 of education shall do all of the following:

18 (1) Review audit exceptions related to attendance, inventory of
19 equipment, internal control, and other miscellaneous exceptions.
20 Attendance exceptions or issues shall include, but not be limited
21 to, those related to revenue limits, adult education, and
22 independent study.

23 (2) If a description of the correction or plan of correction has
24 not been provided as part of the audit required by this section,
25 then the county superintendent of schools shall notify the local
26 educational agency and request the governing board of the local
27 educational agency to provide to the county superintendent of
28 schools a description of the corrections or plan of correction by
29 March 15.

30 (3) Review the description of correction or plan of correction
31 and determine its adequacy. If the description of the correction or
32 plan of correction is not adequate, the county superintendent of
33 schools shall require the local educational agency to resubmit
34 that portion of its response that is inadequate.

35 (k) Each county superintendent of schools shall certify to the
36 Superintendent and the Controller, not later than May 15, that his
37 or her staff has reviewed all audits of local educational agencies
38 under his or her jurisdiction for the prior fiscal year, that all
39 exceptions that the county superintendent was required to review
40 were reviewed, and that all of those exceptions, except as

otherwise noted in the certification, have been corrected by the local educational agency or that an acceptable plan of correction has been submitted to the county superintendent of schools. In addition, the county superintendent shall identify, by local educational agency, any attendance-related audit exception or exceptions involving state funds, and require the local educational agency to which the audit exceptions were directed to submit appropriate reporting forms for processing by the Superintendent.

(l) In the audit of a local educational agency for a subsequent year, the auditor shall review the correction or plan or plans of correction submitted by the local educational agency to determine if the exceptions have been resolved. If not, the auditor shall immediately notify the appropriate county office of education and the department and restate the exception in the audit report. After receiving that notification, the department shall either consult with the local educational agency to resolve the exception or require the county superintendent of schools to follow up with the local educational agency.

(m) (1) The Superintendent shall be responsible for ensuring that local educational agencies have either corrected or developed plans of correction for any one or more of the following:

(A) All federal and state compliance audit exceptions identified in the audit.

(B) Any exceptions that the county superintendent certifies as of May 15 have not been corrected.

(C) Any repeat audit exceptions that are not assigned to a county superintendent to correct.

(2) In addition, the Superintendent shall be responsible for ensuring that county superintendents of schools and each county board of education that serves as the governing board of a local educational agency either correct all audit exceptions identified in the audits of county superintendents of schools and of the local educational agencies for which the county boards of education serve as the governing boards or develop acceptable plans of correction for those exceptions.

(3) The Superintendent shall report annually to the Controller on his or her actions to ensure that school districts, county superintendents of schools, and each county board of education

1 that serves as the governing board of a school district have either
2 corrected or developed plans of correction for any of the
3 exceptions noted pursuant to paragraph (1).

4 (n) To facilitate correction of the exceptions identified by the
5 audits issued pursuant to this section, commencing with 2002-03
6 audits pursuant to this section, the Controller shall require
7 auditors to categorize audit exceptions in each audit report in a
8 manner that will make it clear to both the county superintendent
9 of schools and the Superintendent which exceptions they are
10 responsible for ensuring the correction of by a local educational
11 agency. In addition, the Controller annually shall select a
12 sampling of county superintendents of schools and perform a
13 followup of the audit resolution process of those county
14 superintendents of schools and report the results of that followup
15 to the Superintendent and the county superintendents of schools
16 that were reviewed.

17 (o) County superintendents of schools shall adjust subsequent
18 local property tax requirements to correct audit exceptions
19 relating to local educational agency tax rates and tax revenues.

20 (p) If a governing board or county superintendent of schools
21 fails or is unable to make satisfactory arrangements for the audit
22 pursuant to this section, the Controller shall make arrangements
23 for the audit and the cost of the audit shall be paid from local
24 educational agency funds or the county school service fund, as
25 the case may be.

26 (q) Audits of regional occupational centers and programs are
27 subject to the provisions of this section.

28 (r) This section does not authorize examination of, or reports
29 on, the curriculum used or provided for in any local educational
30 agency.

31 (s) Notwithstanding any other provision of law, a nonauditing,
32 management, or other consulting service to be provided to a local
33 educational agency by a certified public accounting firm while
34 the certified public accounting firm is performing an audit of the
35 agency pursuant to this section must be in accord with
36 Government Accounting Standards, Amendment No. 3, as
37 published by the United States General Accounting Office.

38 SEC. 10. Section 41327.2 of the Education Code is amended
39 to read:

1 41327.2. (a) The appointment of an administrator pursuant to
2 Section 41326 does not remove any statutory rights, duties, or
3 obligations from the county superintendent of schools. The
4 county superintendent of schools retains the responsibility to
5 superintend school districts under his or her jurisdiction.

6 (b) The county superintendent of schools shall submit reports
7 to the Superintendent, the appropriate fiscal and policy
8 committees of the Legislature, the Director of Finance, and the
9 Secretary for Education subsequent to review by the county
10 superintendent of schools of the district's budget and interim
11 reports in accordance with subdivisions (d) and (g) of, and
12 paragraph (3) of subdivision (i) of, Section 42127, and paragraph
13 (2) of subdivision (a) of, and subdivision (e) of, Section 42131.
14 These reports shall document the fiscal and administrative status
15 of the qualifying district, particularly in regard to the
16 implementation of fiscal and management recovery plans. Each
17 report shall also include a determination of whether the revenue
18 streams to the district appear to be consistent with its expenditure
19 plan, according to the most recent data available at the time of
20 the report. These reports are required until six months after all
21 rights, duties, and powers are returned to the school district
22 pursuant to this article.

23 SEC. 11. Section 41344 of the Education Code is amended to
24 read:

25 41344. (a) If, as the result of an audit or review, a local
26 educational agency is required to repay an apportionment
27 significant audit exception or to pay a penalty arising from an
28 audit exception, the Superintendent and the Director of Finance,
29 or their designees, shall jointly establish a plan for repayment of
30 state school funds that the local educational agency received on
31 the basis of average daily attendance, or other data, that did not
32 comply with statutory or regulatory requirements that were
33 conditions of the apportionments, or for payment of a penalty
34 arising from an audit exception. A local educational agency shall
35 request a plan within 90 days of receiving the final audit report or
36 review, within 30 days of withdrawing or receiving a final
37 determination regarding an appeal pursuant to subdivision (d), or,
38 in the absence of an appeal pursuant to subdivision (d), within 30
39 days of withdrawing or receiving a determination of a summary
40 review pursuant to subdivision (d) of Section 41344.1. At the

time the local educational agency is notified, the Controller shall also be notified of the plan. The plan shall be established in accordance with the following:

(1) The Controller shall withhold the disallowed or penalty amount at the next principal apportionment or pursuant to paragraph (2), unless subdivision (d) of this section or subdivision (d) of Section 41344.1 applies, in which case the disallowed or penalty amount shall be withheld, at the next principal apportionment or pursuant to paragraph (2) following the determination regarding the appeal or summary appeal. In calculating a disallowed amount, the Controller shall determine the total amount of overpayment received by the local educational agency on the basis of average daily attendance, or other data, reported by the local educational agency that did not comply with one or more statutory or regulatory requirements that are conditions of apportionment.

(2) If the Superintendent and the Director of the Department of Finance concur that repayment of the full liability or payment of the penalty in the current fiscal year would constitute a severe financial hardship for the local agency, they may approve a plan of equal annual payments over a period of up to eight years. The plan shall include interest on each year's outstanding balance at the rate earned on the state's Pooled Money Investment Account during that year. The Superintendent and the Director of the Department of Finance shall jointly establish this plan. The Controller shall withhold amounts pursuant to the plan.

(3) If the Superintendent and the Director of the Department of Finance do not jointly establish a plan, the Controller shall withhold the entire disallowed amount determined pursuant to paragraph (1), or the penalty amount, at the next principal apportionment.

(b) (1) For purposes of computing average daily attendance pursuant to Section 42238.5, a local educational agency's prior fiscal year average daily attendance shall be reduced by an amount equal to any average daily attendance disallowed in the current year, by an audit or review, as defined in subdivision (e).

(2) Commencing with the 1999-2000 fiscal year, this subdivision may not result in a local educational agency repaying more than the value of the average daily attendance disallowed in

1 the audit exception plus interest and other penalties or reductions
2 in apportionments as provided by existing law.

3 (c) Notwithstanding any other provision of law, this section
4 may not be waived under any authority set forth in this code
5 except as provided in this section or Section 41344.1.

6 (d) Within 60 days of the date on which a local educational
7 agency receives a final audit report resulting from an audit or
8 review of all or any part of the operations of the local educational
9 agency, or within 30 days of receiving a determination of a
10 summary review pursuant to subdivision (d) of Section 41344.1,
11 a local educational agency may appeal a finding contained in the
12 final report, pursuant to Section 41344.1. Within 90 days of the
13 date on which the appeal is received by the panel, a hearing shall
14 be held at which the local educational agency may present
15 evidence or arguments if the local educational agency believes
16 that the final report contains any finding that was based on errors
17 of fact or interpretation of law, or if the local educational agency
18 believes in good faith that it was in substantial compliance with
19 all legal requirements. A repayment schedule may not commence
20 until the panel reaches a determination regarding the appeal. If
21 the panel determines that the local educational agency is correct
22 in its assertion, in whole or in part, the allowable portion of any
23 apportionment payment that was withheld shall be paid at the
24 next principal apportionment.

25 (e) As used in this section, “audit or review” means an audit
26 conducted by the Controller’s office, an annual audit conducted
27 by a certified public accountant or a public accounting firm
28 pursuant to Section 41020, and an audit or review conducted by a
29 governmental agency that provided the local educational agency
30 with an opportunity to provide a written response.

31 SEC. 12. Section 41344.1 of the Education Code is amended
32 to read:

33 41344.1. (a) The Education Audit Appeals Panel is hereby
34 established as a separate state agency. Its membership shall
35 consist of the Superintendent, the Director of the Department of
36 Finance, and the Chief Executive Officer of the Fiscal Crisis and
37 Management Assistance Team established pursuant to Section
38 42127.8 or their designees. The panel shall have the authority to
39 expend funds, hire staff, make contracts, sue and be sued, and
40 issue regulations in furtherance of its duties.

(b) The panel shall hear appeals filed pursuant to subdivision (d) of Section 41344. The Controller shall be a party to all appeals. The department and the Department of Finance may, at their election, timely intervene as a party in any appeal. The panel shall consider audit appeals pursuant to the administrative adjudication provisions of the Administrative Procedure Act (Chapter 4.5 (commencing with Section 11400) and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code), except that it may adopt regulations specifying special pleadings that shall govern audit appeals. The panel may approve settlements and make findings of fact and interpretations of law.

(c) Compliance with all legal requirements is a condition to the state's obligation to make apportionments. A condition may be deemed satisfied if the panel finds there has been compliance or substantial compliance with all legal requirements. "Substantial compliance" means nearly complete satisfaction of all material requirements of a funding program that provide an educational benefit substantially consistent with the program's purpose. A minor or inadvertent noncompliance may be grounds for a finding of substantial compliance provided that the local educational agency can demonstrate it acted in good faith to comply with the conditions established in law or regulation necessary for apportionment of funding. The panel may further define "substantial compliance" by issuing regulations or through adjudicative opinions, or both. If the panel finds there has been substantial compliance, the panel may waive or reduce the reimbursement or penalty amount and may also order other remedial measures sufficient to induce full compliance in the future. Other remedial measures may include restoration of a reduction or penalty amount if full compliance is not rendered in the future, ordering special audits, and requiring special training.

(d) In addition to the normal appeal process specified above, there is hereby created a voluntary, informal, summary appeals process for noncompliant audit exceptions that clearly constitute substantial compliance as that term is defined in subdivision (c). Requests for summary review shall be made to the executive officer of the panel who may seek comment from the Department of Finance or Superintendent. Summary review shall be sought

1 within 30 days of the date on which a local educational agency
2 receives a final audit report resulting from an audit or review.

3 (1) If the executive officer concludes the conditions for
4 finding substantial compliance are not clearly met or involve
5 substantial questions of fact, the executive officer may deny the
6 request for summary review and the appellant may pursue its
7 claim through the normal appeal process.

8 (2) For appeals in which the total audit exceptions for full
9 repayment or penalty constitute less than 150 units of average
10 daily attendance or seven hundred fifty thousand dollars
11 (\$750,000), whichever is less, the executive officer may waive or
12 reduce the reimbursement or penalty upon a finding of
13 substantial compliance and that other remedial measures are
14 sufficient to induce full compliance in the future.

15 (3) For appeals in which the total audit exceptions for full
16 repayment or penalty meet or exceed 150 units of average daily
17 attendance or seven hundred fifty thousand dollars (\$750,000),
18 whichever is greater, the executive officer may waive or reduce
19 the reimbursement or penalty upon a finding of substantial
20 compliance and order other remedial measures that are sufficient
21 to induce full compliance in the future, if he or she has the
22 written approval of the Department of Finance and the
23 Superintendent. The executive officer shall provide the details of
24 the proposed settlement and the rationale in writing to the
25 Department of Finance and Superintendent and allow at least 30
26 days for their review.

27 (4) The right to appeal pursuant to subdivision (d) of Section
28 41344 is independent of this subdivision and an appellant may
29 pursue his or her appeal under subdivision (b) regardless of the
30 result under this subdivision. A local educational agency that has
31 unresolved audit appeals pursuant to subdivision (d) of Section
32 41344 pending on January 1, 2003, may file a request for
33 summary review under this subdivision for a period of 60 days
34 after January 1, 2003.

35 SEC. 13. Section 41402 of the Education Code is amended to
36 read:

37 41402. The maximum ratios of administrative employees to
38 each 100 teachers in the various types of school districts shall be
39 as follows:

40 (a) In elementary school districts—9.

1 (b) In unified school districts—8.

2 (c) In high school districts—7.

3 This section shall not apply to a school district that has one or
4 fewer administrators.

5 SEC. 14. Section 41511 of the Education Code is amended to
6 read:

7 41511. Funding for the school safety consolidated
8 competitive grant shall include the funding previously
9 apportioned to school districts for carrying out the purposes of
10 the following programs:

11 (a) Safe school planning and partnership minigrants, as funded
12 pursuant to Item 6110-226-0001 of Section 2.00 of the annual
13 Budget Act.

14 (b) School community policing as set forth in Article 6
15 (commencing with Section 32296) of Chapter 2.5 of Part 19.

16 (c) Gang-risk intervention as set forth in Chapter 5.5
17 (commencing with Section 58730) of Part 31.

18 (d) Safety plans for new schools, as funded pursuant to Item
19 6110-228-0001 of Section 2.00 of the annual Budget Act. Grant
20 funds distributed to a school district in order to carry out the
21 purpose of this subdivision are offsetting revenues within the
22 meaning of subdivision (e) of Section 17556 of the Government
23 Code for any reimbursable mandated cost claim for the
24 development of school safety plans as required by Section 32281
25 of the Education Code. A school district that accepts funds in
26 order to carry out the purpose of this subdivision shall reduce its
27 estimated and actual mandate reimbursement claim by the
28 amount of funding provided to it in order to carry out the
29 purposes of this subdivision.

30 (e) School community violence prevention, as funded pursuant
31 to Item 6110-228-0001 of Section 2.00 of the annual Budget Act.

32 (f) Conflict resolution, as funded pursuant to Item
33 6110-228-0001 of Section 2.00 of the annual Budget Act.

34 SEC. 15. Section 41521 of the Education Code is amended to
35 read:

36 41521. (a) The teacher credentialing block grant shall
37 include funding previously apportioned to school districts for
38 purposes of beginning teacher support and assessment as set forth
39 in Article 4.5 (commencing with Section 44279.1) of Chapter 2
40 of Part 25.

(b) For purposes of issuing teaching credentials, certificates, or other authorizations, the Commission on Teacher Credentialing shall approve the programs described by subdivision (a). To ensure the Superintendent has the requisite information to allocate funding based on the number of participating credential candidates pursuant to this article, the commission shall inform the Superintendent on an ongoing basis of the approval status of these programs and numbers of participating candidates in each approved program.

SEC. 16. Section 41530 of the Education Code is amended to read:

41530. (a) There is hereby established the professional development block grant. Commencing with the 2005-06 fiscal year, the Superintendent shall apportion block grant funds to a school district based on the number of certificated teachers employed by the school district in the immediately prior fiscal year.

(b) A school district may expend funds received pursuant to this article for any purpose authorized by the programs listed in Section 41531, as the statutes governing those programs read on January 1, 2004.

(c) For purposes of this article, “school district” includes a county office of education if county offices of education are eligible to receive funds for the programs that are listed in Section 41531. The block grant of a county office of education shall be based only on those programs for which it was eligible to receive funds in the 2003-04 fiscal year.

SEC. 17. Section 41976 of the Education Code is amended to read:

41976. (a) For purposes of this chapter, the following classes and courses are authorized to be offered by school districts and county superintendents of schools for apportionment purposes from the adult education fund:

(1) Adult programs in parenting, including parent cooperative preschools, and classes in child growth and development, parent-child relationships, and parenting.

(2) Adult programs in elementary and secondary basic skills and other courses and classes required for the high school diploma. Apportionments for these courses and classes may only be generated by students who do not possess a high school

1 diploma, except for remedial academic courses or classes in
2 reading, mathematics, and language arts.

3 (3) Adult education programs in English as a second language.

4 (4) Adult education programs for immigrants eligible for
5 educational services in citizenship, English as a second language,
6 and workforce preparation classes in the basic skills of speaking,
7 listening, reading, writing, mathematics, decisionmaking and
8 problem solving skills, and other classes required for preparation
9 to participate in job specific technical training.

10 (5) Adult education programs for adults with disabilities.

11 (6) Adult short-term career technical education programs with
12 high employment potential. Any reference to “vocational”
13 education or programs in adult education means “career
14 technical” education or programs in adult education.

15 (7) Adult programs for older adults.

16 (8) Adult education programs for apprentices.

17 (9) Adult programs in home economics.

18 (10) Adult programs in health and safety education.

19 (b) No state apportionment shall be made for any course or
20 class which is not set forth in subdivision (a).

21 SEC. 18. Section 41976.5 of the Education Code is amended
22 to read:

23 41976.5. (a) Each school district or county superintendent of
24 schools providing services in summer school programs for adults
25 with disabilities in the 1977-78 school year shall continue in the
26 1980-81 fiscal year and each fiscal year thereafter to offer these
27 programs.

28 (b) A school district or county superintendent of schools
29 receiving apportionments from Section A of the State School
30 Fund shall offer summer programs for graduating high school
31 seniors in need of courses for graduation.

32 SEC. 19. Section 42127 of the Education Code is amended to
33 read:

34 42127. (a) On or before July 1 of each year, the governing
35 board of each school district shall accomplish the following:

36 (1) Hold a public hearing on the budget to be adopted for the
37 subsequent fiscal year. The budget to be adopted shall be
38 prepared in accordance with Section 42126. The agenda for that
39 hearing shall be posted at least 72 hours prior to the public

1 hearing and shall include the location where the budget will be
2 available for public inspection.

3 (2) Adopt a budget. Not later than five days after that adoption
4 or by July 1, whichever occurs first, the governing board shall
5 file that budget with the county superintendent of schools. That
6 budget and supporting data shall be maintained and made
7 available for public review. If the governing board of the district
8 does not want all or a portion of the property tax requirement
9 levied for the purpose of making payments for the interest and
10 redemption charges on indebtedness as described in paragraph
11 (1) or (2) of subdivision (b) of Section 1 of Article XIII A of the
12 California Constitution, the budget shall include a statement of
13 the amount or portion for which a levy shall not be made.

14 (b) The county superintendent of schools may accept changes
15 in any statement included in the budget, pursuant to subdivision
16 (a), of the amount or portion for which a property tax levy shall
17 not be made. The county superintendent or the county auditor
18 shall compute the actual amounts to be levied on the property tax
19 rolls of the district for purposes that exceed apportionments to
20 the district pursuant to Chapter 6 (commencing with Section 95)
21 of Part 0.5 of Division 1 of the Revenue and Taxation Code.
22 Each school district shall provide all data needed by the county
23 superintendent or the county auditor to compute the amounts. On
24 or before August 15, the county superintendent shall transmit the
25 amounts computed to the county auditor who shall compute the
26 tax rates necessary to produce the amounts. On or before
27 September 1, the county auditor shall submit the rate computed
28 to the board of supervisors for adoption.

29 (c) The county superintendent of schools shall do all of the
30 following:

31 (1) Examine the adopted budget to determine whether it
32 complies with the standards and criteria adopted by the State
33 Board of Education pursuant to Section 33127 for application to
34 final local educational agency budgets. The county
35 superintendent shall identify, if necessary, any technical
36 corrections that are required to be made to bring the budget into
37 compliance with those standards and criteria.

38 (2) Determine whether the adopted budget will allow the
39 district to meet its financial obligations during the fiscal year and
40 is consistent with a financial plan that will enable the district to

1 satisfy its multiyear financial commitments. In addition to his or
2 her own analysis of the budget of each school district, the county
3 superintendent of schools shall review and consider studies,
4 reports, evaluations, or audits of the school district that were
5 commissioned by the district, the county superintendent, the
6 Superintendent, and state control agencies and that contain
7 evidence that the school district is showing fiscal distress under
8 the standards and criteria adopted in Section 33127 or that
9 contain a finding by an external reviewer that more than three of
10 the 15 most common predictors of a school district needing
11 intervention, as determined by the County Office Fiscal Crisis
12 and Management Assistance Team, are present. The county
13 superintendent of schools shall either conditionally approve or
14 disapprove a budget that does not provide adequate assurance
15 that the district will meet its current and future obligations and
16 resolve any problems identified in studies, reports, evaluations,
17 or audits described in this paragraph.

18 (d) On or before August 15, the county superintendent of
19 schools shall approve, conditionally approve, or disapprove the
20 adopted budget for each school district. If a school district does
21 not submit a budget to the county superintendent of schools, the
22 county superintendent of schools shall, at district expense,
23 develop a budget for that school district by September 15 and
24 transmit that budget to the governing board of the school district.
25 The budget prepared by the county superintendent of schools
26 shall be deemed adopted, unless the county superintendent of
27 schools approves any modifications made by the governing board
28 of the school district. The approved budget shall be used as a
29 guide for the district's priorities. The Superintendent shall review
30 and certify the budget approved by the county. If, pursuant to the
31 review conducted pursuant to subdivision (c), the county
32 superintendent of schools determines that the adopted budget for
33 a school district does not satisfy paragraph (1) or (2) of that
34 subdivision, he or she shall conditionally approve or disapprove
35 the budget and, not later than August 15, transmit to the
36 governing board of the school district, in writing, his or her
37 recommendations regarding revision of the budget and the
38 reasons for those recommendations, including, but not limited to,
39 the amounts of any budget adjustments needed before he or she
40 can conditionally approve that budget. The county superintendent

1 of schools may assign a fiscal adviser to assist the district to
2 develop a budget in compliance with those revisions. In addition,
3 the county superintendent of schools may appoint a committee to
4 examine and comment on the superintendent's review and
5 recommendations, subject to the requirement that the committee
6 report its findings to the superintendent no later than August 20.

7 (e) On or before September 8, the governing board of the
8 school district shall revise the adopted budget to reflect changes
9 in projected income or expenditures subsequent to July 1, and to
10 include any response to the recommendations of the county
11 superintendent of schools, shall adopt the revised budget, and
12 shall file the revised budget with the county superintendent of
13 schools. Prior to revising the budget, the governing board shall
14 hold a public hearing regarding the proposed revisions, to be
15 conducted in accordance with Section 42103. In addition, if the
16 adopted budget is disapproved pursuant to subdivision (d), the
17 governing board and the county superintendent of schools shall
18 review the disapproval and the recommendations of the county
19 superintendent of schools regarding revision of the budget at the
20 public hearing. The revised budget and supporting data shall be
21 maintained and made available for public review.

22 (f) On or before September 22, the county superintendent of
23 schools shall provide a list to the Superintendent identifying all
24 school districts for which budgets may be disapproved.

25 (g) The county superintendent of schools shall examine the
26 revised budget to determine whether it (1) complies with the
27 standards and criteria adopted by the State Board of Education
28 pursuant to Section 33127 for application to final local
29 educational agency budgets, (2) allows the district to meet its
30 financial obligations during the fiscal year, (3) satisfies all
31 conditions established by the county superintendent of schools in
32 the case of a conditionally approved budget, and (4) is consistent
33 with a financial plan that will enable the district to satisfy its
34 multiyear financial commitments, and, not later than October 8,
35 shall approve or disapprove the revised budget. If the county
36 superintendent of schools disapproves the budget, he or she shall
37 call for the formation of a budget review committee pursuant to
38 Section 42127.1, unless the governing board of the school district
39 and the county superintendent of schools agree to waive the
40 requirement that a budget review committee be formed and the

department approves the waiver after determining that a budget review committee is not necessary. Upon the grant of a waiver, the county superintendent has the authority and responsibility provided to a budget review committee in Section 42127.3. Upon approving a waiver of the budget review committee, the department shall ensure that a balanced budget is adopted for the school district by November 30. If no budget is adopted by November 30, the Superintendent may adopt a budget for the school district. The Superintendent shall report to the Legislature and the Director of Finance by December 10 if any district, including a district that has received a waiver of the budget review committee process, does not have an adopted budget by November 30. This report shall include the reasons why a budget has not been adopted by the deadline, the steps being taken to finalize budget adoption, the date the adopted budget is anticipated, and whether the Superintendent has or will exercise his or her authority to adopt a budget for the school district.

(h) Not later than October 8, the county superintendent of schools shall submit a report to the Superintendent identifying all school districts for which budgets have been disapproved or budget review committees waived. The report shall include a copy of the written response transmitted to each of those districts pursuant to subdivision (d).

(i) Notwithstanding any other provision of this section, the budget review for a school district shall be governed by paragraphs (1), (2), and (3) of this subdivision, rather than by subdivisions (e) and (g), if the governing board of the school district so elects and notifies the county superintendent in writing of that decision, not later than October 31 of the immediately preceding calendar year. On or before July 1, the governing board of a school district for which the budget review is governed by this subdivision, rather than by subdivisions (e) and (g), shall conduct a public hearing regarding its proposed budget in accordance with Section 42103.

(1) If the adopted budget of a school district is disapproved pursuant to subdivision (d), on or before September 8, the governing board of the school district, in conjunction with the county superintendent of schools, shall review the superintendent's recommendations at a regular meeting of the governing board and respond to those recommendations. The

1 response shall include any revisions to the adopted budget and
2 other proposed actions to be taken, if any, as a result of those
3 recommendations.

4 (2) On or before September 22, the county superintendent of
5 schools will provide a list to the Superintendent identifying all
6 school districts for which a budget may be tentatively
7 disapproved.

8 (3) Not later than October 8, after receiving the response
9 required under paragraph (1), the county superintendent of
10 schools shall review that response and either approve or
11 disapprove the budget. If the county superintendent of schools
12 disapproves the budget, he or she shall call for the formation of a
13 budget review committee pursuant to Section 42127.1, unless the
14 governing board of the school district and the county
15 superintendent of schools agree to waive the requirement that a
16 budget review committee be formed and the department approves
17 the waiver after determining that a budget review committee is
18 not necessary. Upon the grant of a waiver, the county
19 superintendent has the authority and responsibility provided to a
20 budget review committee in Section 42127.3. Upon approving a
21 waiver of the budget review committee, the department shall
22 ensure that a balanced budget is adopted for the school district by
23 November 30. The Superintendent shall report to the Legislature
24 and the Director of Finance by December 10 if any district,
25 including a district that has received a waiver of the budget
26 review committee process, does not have an adopted budget by
27 November 30. This report shall include the reasons why a budget
28 has not been adopted by the deadline, the steps being taken to
29 finalize budget adoption, and the date the adopted budget is
30 anticipated.

31 (4) Not later than 45 days after the Governor signs the annual
32 Budget Act, the school district shall make available for public
33 review any revisions in revenues and expenditures that it has
34 made to its budget to reflect the funding made available by that
35 Budget Act.

36 (j) Any school district for which the county board of education
37 serves as the governing board is not subject to subdivisions (c) to
38 (h), inclusive, but is governed instead by the budget procedures
39 set forth in Section 1622.

1 SEC. 20. Section 42132 of the Education Code is amended to
2 read:

3 42132. On or before September 15 of each year, the
4 governing board of each school district shall adopt a resolution to
5 identify, pursuant to Division 9 (commencing with Section 7900)
6 of Title 1 of the Government Code, the estimated appropriations
7 limit for the district for the current fiscal year and the actual
8 appropriations limit for the district for the preceding fiscal year.
9 That resolution shall be adopted at a regular or special meeting of
10 the governing board. Notwithstanding Section 7910 of the
11 Government Code, documentation used in the identification of
12 the appropriations limits shall be made available to the public on
13 the date of the meeting.

14 SEC. 21. Section 42282 of the Education Code is amended to
15 read:

16 42282. For each district with fewer than 2,501 units of second
17 principal apportionment average daily attendance, on account of
18 each necessary small school, the county superintendent shall
19 make the following computations:

20 (a) For each necessary small school which has an average
21 daily attendance during the fiscal year of less than 26, exclusive
22 of pupils attending the 7th and 8th grades of a junior high school,
23 and for which school at least one teacher was hired full time, the
24 county superintendent shall compute for the district fifty-two
25 thousand nine hundred twenty-five dollars (\$52,925).

26 (b) For each necessary small school which has an average
27 daily attendance during the fiscal year of 26 or more and less
28 than 51, exclusive of pupils attending the 7th and 8th grades of a
29 junior high school, and for which school at least two teachers
30 were hired full time for more than one-half of the days schools
31 were maintained, the county superintendent shall compute for the
32 district one hundred five thousand eight hundred fifty dollars
33 (\$105,850).

34 (c) For each necessary small school which has an average
35 daily attendance during the fiscal year of 51 or more but less than
36 76, exclusive of pupils attending the 7th and 8th grades of a
37 junior high school, and for which school three teachers were
38 hired full time for more than one-half of the days schools were
39 maintained, the county superintendent shall compute for the

1 district one hundred fifty-eight thousand seven hundred
2 seventy-five dollars (\$158,775).

3 (d) For each necessary small school which has an average
4 daily attendance during the fiscal year of 76 or more and less
5 than 101, exclusive of pupils attending the 7th and 8th grades of
6 a junior high school, and for which school four teachers were
7 hired full time for more than one-half of the days schools were
8 maintained, the county superintendent shall compute for the
9 district two hundred eleven thousand seven hundred dollars
10 (\$211,700). These school districts may use this funding
11 calculation until the revenue limit per unit of average daily
12 attendance multiplied by the average daily attendance produces
13 state aid equal to the small school funding formula.

14 (e) For the 1998-99 fiscal year and each fiscal year thereafter,
15 the ranges of average daily attendance specified in subdivisions
16 (a) to (d), inclusive, shall be reduced by the statewide average
17 rate of excused absence reported for elementary school districts
18 for the 1996-97 fiscal year pursuant to Section 42238.7, with the
19 resultant figures and ranges rounded to the nearest integer.

20 SEC. 22. Section 42282.1 of the Education Code is amended
21 to read:

22 42282.1. (a) Notwithstanding Section 42282, or any other
23 provision of law, each necessary small school in the Death
24 Valley Unified School District shall qualify for the
25 apportionment specified in subdivision (b) of Section 42282 if
26 that school has an average daily attendance of 21 or more and
27 less than 51, exclusive of pupils attending the 7th and 8th grades
28 of a junior high school, and for which school at least two teachers
29 were hired full-time for more than one-half of the days schools
30 were maintained.

31 (b) It is the intent of the Legislature not to provide a special
32 allowance to the Death Valley Unified School District for one of
33 its schools by future legislation if the average daily attendance at
34 the school is 18 or less.

35 SEC. 23. Section 42285 of the Education Code is amended to
36 read:

37 42285. (a) A necessary small high school for the purposes of
38 Section 42284, is a high school with an average daily attendance
39 of less than 301, excluding continuation schools, which comes
40 within any of the following conditions (except that a single high

1 school maintained by a unified district, or a high school
2 maintained by any district for the exclusive purpose of educating
3 juvenile hall pupils or pupils with exceptional needs, shall be
4 considered a necessary small high school):

5 (1) The projection of its future enrollment on the basis of the
6 enrollment of the elementary schools in the district shows that
7 within eight years the enrollment in high school in grades 9 to 12,
8 inclusive, will exceed 300 pupils.

9 (2) Any one of the following combinations of distance and
10 units of average daily attendance applies:

11 (A) The high school had an average daily attendance of less
12 than 100 in grades 9 to 12, inclusive, during the preceding fiscal
13 year and is more than 15 miles by well-traveled road from the
14 nearest other public high school and either 90 percent of the
15 pupils would be required to travel 20 miles or 25 percent of the
16 pupils would be required to travel 30 miles one way from a point
17 on a well-traveled road nearest their homes to the nearest other
18 public high school.

19 (B) The high school had an average daily attendance of 100 or
20 more and less than 150 in grades 9 to 12, inclusive, during the
21 preceding fiscal year and is more than 10 miles by well-traveled
22 road from the nearest other public high school and either 90
23 percent of the pupils would be required to travel 18 miles or 25
24 percent of the pupils would be required to travel 25 miles one
25 way from a point on a well-traveled road nearest their homes to
26 the nearest other public high school.

27 (C) The high school had an average daily attendance of 150 or
28 more and less than 200 in grades 9 to 12, inclusive, during the
29 preceding fiscal year and is more than 7 ½ miles by well-traveled
30 road from the nearest other public high school and either 90
31 percent of the pupils would be required to travel 15 miles or 25
32 percent of the pupils would be required to travel 20 miles one
33 way from a point on a well-traveled road nearest their homes to
34 the nearest other public high school.

35 (D) The high school had an average daily attendance of 200 or
36 more and less than 301 in grades 9 to 12, inclusive, during the
37 preceding fiscal year and is more than five miles by well-traveled
38 road from the nearest other public high school and either 90
39 percent of the pupils would be required to travel 10 miles or 25

1 percent of the pupils would be required to travel 15 miles to the
2 nearest other public high school.

3 (3) Topographical or other conditions exist in the district
4 which would impose unusual hardships on the pupils if the
5 number of miles specified above were required to be traveled. In
6 these cases, the Superintendent may, when requested, and after
7 investigation, grant exceptions from the distance requirements.

8 (4) The Superintendent has approved the recommendation of a
9 county committee on school district organization designating one
10 of two or more schools as necessary isolated schools in a
11 situation where the schools are operated by two or more districts
12 and the average daily attendance of each of the schools is less
13 than 301 in grades 9 to 12, inclusive.

14 (b) For the 1998-99 fiscal year and each fiscal year thereafter,
15 the high school and junior high school average daily attendance
16 figures specified in subdivision (a) and the ranges of average
17 daily attendance specified in paragraph (2) of subdivision (a)
18 shall be reduced by the statewide average rate of excused absence
19 reported for high school districts for the 1996-97 fiscal year
20 pursuant to Section 42238.7, with the resultant figures and ranges
21 rounded to the nearest integer.

22 SEC. 23.5. Section 42285.2 of the Education Code is
23 amended to read:

24 42285.2. (a) Notwithstanding any other provision of law, the
25 Coachella Valley Unified School District is eligible to receive
26 apportionments for the Sea View Elementary School and for the
27 West Shores High School pursuant to the schedule for necessary
28 small high schools set forth in Section 42284.

29 (b) If the amount of average daily attendance of either school
30 exceeds 286, that school district shall no longer be entitled to
31 receive apportionments as set forth in this section.

32 (c) Notwithstanding any other provision of law, the Coachella
33 Valley Unified School District shall remain eligible to receive
34 apportionments described in subdivision (a) until June 30, 2006,
35 pursuant to Section 42286, at the end of which time the
36 department shall review the average daily attendance numbers of
37 each school described in subdivision (a) to determine whether the
38 Coachella Valley Unified School District qualifies for continued
39 funding as described in subdivision (a). If the department
40 determines that either the Sea View Elementary School or the

1 West Shores High School, or both, qualifies for continued
2 funding as described in subdivision (a), the Coachella Valley
3 Unified School District shall remain eligible to receive
4 apportionments, as described in subdivision (a), for the school
5 that remains entitled to receive apportionments, or for both
6 schools if both remain entitled to receive apportionments.
7 Funding for one school, or for both schools, if applicable, shall
8 continue in two-year increments, commencing on July 1, 2006,
9 with a review of attendance numbers and a determination of
10 eligibility for each school by the department every two years,
11 commencing July 1, 2008.

12 SEC. 24. Section 42285.4 is added to the Education Code, to
13 read:

14 42285.4. Notwithstanding any other provision of law, the
15 River Delta Unified School District is eligible to receive
16 apportionments pursuant to the schedule and criteria for small
17 necessary high schools set forth in Section 42284 if the school
18 district has no more than 3,000 units of average daily attendance.

19 SEC. 25. Section 44225.6 of the Education Code is amended
20 to read:

21 44225.6. (a) By April 15 of each year, the commission shall
22 report to the Legislature and the Governor on the availability of
23 teachers in California. This report shall include the following
24 information:

25 (1) The number of individuals recommended for credentials by
26 institutions of higher education and the type of credential or
27 certificate, or both, for which they were recommended, including
28 certificates issued pursuant to Sections 44253.3 and 44253.4.

29 (2) The number of individuals recommended by school
30 districts operating district internship programs and the type of
31 credential or certificate, or both, for which they were
32 recommended, including certificates issued pursuant to Sections
33 44253.3 and 44253.4.

34 (3) The number of individuals receiving an initial credential
35 based on a program completed outside of California and the type
36 of credential or certificate, or both, for which they were
37 recommended, including certificates issued pursuant to Sections
38 44253.3 and 44253.4.

39 (4) The number of individuals receiving an emergency permit,
40 credential waiver, or other authorization that does not meet the

1 definition of a highly qualified teacher under the federal No
2 Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).

3 (5) The number of individuals receiving the certificate of
4 completion of staff development in methods of specially
5 designed content instruction delivered in English pursuant to
6 subdivision (d) of Section 44253.10.

7 (6) Statewide, by county, and by school district, the number of
8 individuals serving in the following capacities and as a
9 percentage of the total number of individuals serving as teachers
10 statewide, in the county, and in the school district:

11 (A) University internship.

12 (B) District internship.

13 (C) Preinternship.

14 (D) Emergency permit.

15 (E) Credential waiver.

16 (F) Preliminary or professional clear credential.

17 (G) An authorization, other than those listed in this paragraph,
18 that does not meet the definition of a highly qualified teacher
19 under the federal No Child Left Behind Act of 2001 (20 U.S.C.
20 Sec. 6301 et seq.) by category of authorization.

21 (H) Certificate issued pursuant to Section 44253.3.

22 (I) Certificates issued pursuant to Section 44253.3, 44253.4,
23 or 44253.10, if available.

24 (J) The number of individuals serving English learner pupils in
25 settings calling for English language development, in settings
26 calling for specially designed academic instruction in English, or
27 in primary language instruction, without the appropriate
28 authorization under Section 44253.3, 44253.4, or 44253.10, or
29 under another statute, if available. The Commission on Teacher
30 Credentialing may utilize data from the department's Annual
31 Language Census Survey to report the data required pursuant to
32 this paragraph.

33 (7) The specific subjects and teaching areas in which there are
34 a sufficient number of new holders of credentials to fill the
35 positions currently held by individuals with emergency permits.

36 (b) The commission shall make this report available to school
37 districts and county offices of education to assist them in the
38 recruitment of credentialed teachers and shall make the report
39 and supporting data publicly available on the commission's Web
40 site.

(c) A common measure of whether teacher preparation programs are meeting the challenge of preparing increasing numbers of new teachers is the number of teaching credentials awarded. The number of teaching credentials recommended by these programs and awarded by the commission are indicators of the productivity of teacher preparation programs. The commission shall include in the report prepared for the Legislature and Governor pursuant to subdivision (a) the total number of teaching credentials recommended by all accredited teacher preparation programs authorized by the commission and the number recommended by each of the following:

- (1) The University of California system.
- (2) The California State University system.
- (3) Independent colleges and universities that offer teacher preparation programs approved by the commission.
- (4) Other institutions that offer teacher preparation programs approved by the commission.

SEC. 26. Section 44252.1 of the Education Code is amended to read:

44252.1. (a) It is the intent of the Legislature that a credential candidate enrolled in a credential preparation program receive reasonable time to complete the program without meeting new requirements, including, but not limited to, requirements added by statutes, regulations, or commission standards, after the candidate's enrollment in the program. Further, to ensure that all candidates for a credential receive reasonable information and advice as they proceed through their program, the Legislature finds and declares that it is incumbent upon credential preparation programs to inform candidates of new requirements and extension provisions available to eligible candidates.

(b) For the purposes of this section, the following terms shall have the following meanings:

- (1) "Enrolled" refers to an individual who, on or after January 1, 2002, continuously participates in and is working toward completing the requirements for a program that meets the minimum requirements for a California preliminary multiple or single subject teaching credential as specified in Section 44259. Whether an individual is enrolled shall be subject to verification by the Commission on Teacher Credentialing.

1 (2) “Continuously enrolled” refers to an individual who has
2 begun a teacher preparation program and does not have a break
3 in that participation that exceeds a period of 18 months.

4 (c) The commission shall adopt regulations to provide a
5 credential candidate enrolled in a commission-accredited
6 preparation program, including, but not limited to, an internship
7 program as defined in Article 7.5 (commencing with Section
8 44325) and Article 3 (commencing with Section 44450), a
9 professional preparation program as defined in Article 7
10 (commencing with Section 44320), or an integrated program of
11 professional preparation as defined in Section 44259.1 with a
12 grace period to complete the program without meeting new
13 requirements, including, but not limited to, requirements added
14 by statutes, regulations, or commission standards, after the
15 candidate’s enrollment in the program. The commission shall
16 also ensure through standards and accreditation procedures that
17 credential preparation programs provide credential candidates
18 with information about new requirements and extension
19 provisions as outlined in this subdivision and subdivisions (d)
20 and (e).

21 (1) The commission shall adopt regulations that provide a
22 credential candidate enrolled in a commission-accredited
23 preparation program time of not less than 24 months after
24 enrollment in the program, during which time new or amended
25 statutes, regulations, and commission standards that become
26 effective and are imposed on credential candidates after the
27 candidate’s enrollment date shall not apply to that candidate.

28 (2) The commission shall allow a credential candidate an
29 extension of time in addition to the time specified pursuant to
30 paragraph (1) to complete a credential program under the
31 statutes, regulations, and commission standards in place at the
32 time of the candidate’s enrollment if the candidate can
33 demonstrate extenuating circumstances, including, but not
34 limited to, personal or family illness, bereavement, or financial
35 hardship and develops a plan, in consultation with the credential
36 preparation program, for continued progress toward completion
37 of the preparation program.

38 (d) The commission shall maintain a list of candidates who are
39 allowed an extended time period to complete the program under
40 the statutes, regulations, and commission standards in place at the

1 time of the candidates' enrollment prior to the effective date of a
2 new or amended statute, regulation, or standard. This list shall
3 include the projected date of program completion for each
4 candidate.

5 (e) (1) A credential candidate enrolled in an integrated
6 program of professional preparation pursuant to subdivision (a)
7 of Section 44259.1 is not subject to any new requirements added
8 by statute, regulation, or commission standards if that candidate
9 is continuously enrolled in the program, as defined in paragraph
10 (2) of subdivision (b), and does not change the type of credential
11 or program he or she is pursuing once enrolled.

12 (2) A credential candidate continuously enrolled in an
13 integrated program of professional preparation pursuant to
14 subdivision (a) of Section 44259.1 who has completed all
15 requirements necessary to begin the student teaching component
16 of his or her program shall be eligible to receive an extension of
17 12 months, if necessary, to complete the outstanding
18 requirements that were in place when that credential candidate
19 began the preparation program, and shall not be subject to any
20 new requirements added by statute, regulation, or commission
21 standards, once that candidate begins the student teaching portion
22 of his or her program.

23 (3) This subdivision does not limit the ability of a candidate to
24 seek additional time to complete a credential pursuant to
25 paragraph (2) of subdivision (c).

26 (4) By June 30, 2004, the commission shall report to the
27 education policy committees in each house of the Legislature on
28 the success of the integrated program of professional
29 development pursuant to Section 44259.1 toward preparing
30 teacher candidates, including, but not limited to, the number of
31 students admitted to the teacher education component in each
32 program, the number of students who have completed all course
33 requirements, including student teaching, and who have applied
34 for a credential, the number of students applying for and
35 receiving an extension pursuant to subdivision (e), and the
36 information collected pursuant to subdivision (d).

37 (f) This section does not supersede subdivision (h) of Section
38 44259.

39 (g) A modification of a credentialing examination by the
40 commission that is made as the result of a validity study or a

1 passing standard study shall not be considered a new requirement
2 for purposes of this section.

3 (h) If credential preparation coursework that a credential
4 candidate has not yet taken is modified, the candidate shall take
5 the modified coursework instead of the previously required
6 coursework unless the modified coursework is not readily
7 available, the modified coursework would result in an increased
8 cost to the candidate, or completion of the modified coursework
9 would delay the candidate's completion of the credential
10 preparation program.

11 (i) Once a candidate has received a preliminary California
12 teaching credential pursuant to Section 44259 and is employed as
13 the teacher of record in a California public school, the candidate
14 shall not be subject to any new requirements for completing the
15 induction phase required to obtain the professional clear teaching
16 credential pursuant to Section 44279.4, for a period not to exceed
17 the length of time provided for the preliminary teaching
18 credential pursuant to Section 44251.

19 SEC. 26.5. Section 44258.9 of the Education Code is
20 amended to read:

21 44258.9. (a) The Legislature finds that continued monitoring
22 of teacher assignments by county superintendents of schools will
23 ensure that the rate of teacher misassignment remains low. To the
24 extent possible and with funds provided for that purpose, each
25 county superintendent of schools shall perform the duties
26 specified in subdivisions (b) and (c).

27 (b) (1) Each county superintendent of schools shall monitor
28 and review school district certificated employee assignment
29 practices in accordance with the following:

30 (A) Annually monitor and review schools and school districts
31 that are likely to have problems with teacher misassignments and
32 teacher vacancies, as defined in subparagraphs (A) and (B) of
33 paragraph (5) of subdivision (b) of Section 33126, based on past
34 experience or other available information.

35 (B) Annually monitor and review schools ranked in deciles 1
36 to 3, inclusive, of the 2003 base Academic Performance Index, as
37 defined in subdivision (b) of Section 17592.70, if those schools
38 are not currently under review through a state or federal
39 intervention program. If a review completed pursuant to this
40 subparagraph finds that a school has no teacher misassignments

1 or teacher vacancies for two consecutive years, the next review
2 of that school may be conducted according to the cycle specified
3 in subparagraph (C), unless the school meets the criteria of
4 subparagraph (A).

5 (C) All other schools on a four-year cycle.

6 (2) Each county superintendent of schools shall investigate
7 school and district efforts to ensure that any credentialed teacher
8 serving in an assignment requiring a certificate issued pursuant to
9 Section 44253.3, 44253.4, or 44253.7 or training pursuant to
10 Section 44253.10 completes the necessary requirements for these
11 certificates or completes the required training.

12 (3) The Commission on Teacher Credentialing shall be
13 responsible for the monitoring and review of those counties or
14 cities and counties in which there is a single school district,
15 including the Counties of Alpine, Amador, Del Norte, Mariposa,
16 Plumas, and Sierra, and the City and County of San Francisco.
17 All information related to the misassignment of certificated
18 personnel and teacher vacancies shall be submitted to each
19 affected district within 30 calendar days of the monitoring
20 activity.

21 (c) County superintendents of schools shall submit an annual
22 report to the Commission on Teacher Credentialing and the
23 department summarizing the results of all assignment monitoring
24 and reviews. These reports shall include, but need not be limited
25 to, the following:

26 (1) The numbers of teachers assigned and types of
27 assignments made by the governing board of a school district
28 under the authority of Sections 44256, 44258.2, and 44263.

29 (2) Information on actions taken by local committees on
30 assignment, including the number of assignments authorized,
31 subject areas into which committee-authorized teachers are
32 assigned, and evidence of any departures from the
33 implementation plans presented to the county superintendent by
34 school districts.

35 (3) Information on each school district reviewed regarding
36 misassignments of certificated personnel, including efforts to
37 eliminate these misassignments.

38 (4) (A) Information on certificated employee assignment
39 practices in schools ranked in deciles 1 to 3, inclusive, of the
40 2003 base Academic Performance Index, as defined in

1 subdivision (b) of Section 17592.70, to ensure that, at a
2 minimum, in any class in these schools in which 20 percent or
3 more pupils are English learners the assigned teacher possesses a
4 certificate issued pursuant to Section 44253.3 or 44253.4 or has
5 completed training pursuant to Section 44253.10 or is otherwise
6 authorized by statute.

7 (B) This paragraph shall not relieve a school district from
8 compliance with state and federal law regarding teachers of
9 English learners or be construed to alter the definition of
10 “misassignment” in subparagraph (B) of paragraph (5) of
11 subdivision (b) of Section 33126.

12 (5) After consultation with representatives of county
13 superintendents of schools, other information as may be
14 determined to be needed by the Commission on Teacher
15 Credentialing.

16 (d) The Commission on Teacher Credentialing shall submit
17 biennial reports to the Legislature concerning teacher
18 assignments and misassignments which shall be based, in part, on
19 the annual reports of the county superintendents of schools.

20 (e) (1) The Commission on Teacher Credentialing shall
21 establish reasonable sanctions for the misassignment of
22 credentialholders.

23 Prior to the implementation of regulations establishing
24 sanctions, the Commission on Teacher Credentialing shall
25 engage in a variety of activities designed to inform school
26 administrators, teachers, and personnel within the offices of
27 county superintendents of schools of the regulations and statutes
28 affecting the assignment of certificated personnel. These
29 activities shall include the preparation of instructive brochures
30 and the holding of regional workshops.

31 (2) Commencing July 1, 1989, any certificated person who is
32 required by an administrative superior to accept an assignment
33 for which he or she has no legal authorization shall, after
34 exhausting any existing local remedies, notify the county
35 superintendent of schools in writing of the illegal assignment.
36 The county superintendent of schools shall, within 15 working
37 days, advise the affected certificated person concerning the
38 legality of his or her assignment. There shall be no adverse action
39 taken against a certificated person who files a notification of
40 misassignment with the county superintendent of schools. During

1 the period of the misassignment, the certificated person who files
2 a written notification with the county superintendent of schools
3 shall be exempt from the provisions of Section 45034. If it is
4 determined that a misassignment has taken place, any
5 performance evaluation of the employee under Sections 44660 to
6 44664, inclusive, in any misassigned subject shall be nullified.

7 (3) The county superintendent of schools shall notify, through
8 the office of the school district superintendent, any certificated
9 school administrator responsible for the assignment of a
10 certificated person to a position for which he or she has no legal
11 authorization of the misassignment and shall advise him or her to
12 correct the assignment within 30 calendar days. The county
13 superintendent of schools shall notify the Commission on
14 Teacher Credentialing of the misassignment if the certificated
15 school administrator has not corrected the misassignment within
16 30 days of the initial notification, or if the certificated school
17 administrator has not described, in writing, within the 30-day
18 period, to the county superintendent of schools the extraordinary
19 circumstances which make this correction impossible.

20 (4) The county superintendent of schools shall notify any
21 superintendent of a school district in which 5 percent or more of
22 all certificated teachers in the secondary schools are found to be
23 misassigned of the misassignments and shall advise him or her to
24 correct the misassignments within 120 calendar days. The county
25 superintendent of schools shall notify the Commission on
26 Teacher Credentialing of the misassignments if the school district
27 superintendent has not corrected the misassignments within 120
28 days of the initial notification, or if the school district
29 superintendent of schools has not described, in writing, within
30 the 120-day period, to the county superintendent of schools the
31 extraordinary circumstances which make this correction
32 impossible.

33 (f) An applicant for a professional administrative service
34 credential shall be required to demonstrate knowledge of existing
35 credentialing laws, including knowledge of assignment
36 authorizations.

37 (g) The Superintendent shall submit a summary of the reports
38 submitted by county superintendents pursuant to subdivision (c)
39 to the Legislature. The Legislature may hold, within a reasonable
40 period after receipt of the summary, public hearings on pupil

1 access to teachers and to related statutory provisions. The
2 Legislature may also assign one or more of the standing
3 committees or a joint committee, to determine the following:

4 (1) The effectiveness of the reviews required pursuant to this
5 section.

6 (2) The extent, if any, of vacancies and misassignments, as
7 defined in subparagraphs (A) and (B) of paragraph (5) of
8 subdivision (b) of Section 33126.

9 (3) The need, if any, to assist schools ranked in deciles 1 to 3,
10 inclusive, of the 2003 base Academic Performance Index, as
11 defined in subdivision (b) of Section 17592.70, to eliminate
12 vacancies and misassignments.

13 SEC. 27. Section 44265.6 is added to the Education Code, to
14 read:

15 44265.6. (a) Upon the request of an employing school
16 district, county office of education or state special school, the
17 Commission on Teacher Credentialing shall determine specific
18 requirements for and issue a one-year specialist instruction
19 emergency permit, solely for the purpose of instructing deaf or
20 hearing-impaired pupils, to any prelingually deaf candidate upon
21 medical or other appropriate professional verifications.

22 (b) The applicant is exempted from the requirements in
23 Section 44252 and subdivision (b) of Section 44830.

24 (c) "Prelingually deaf" means, for purposes of this section, as
25 having suffered a hearing loss prior to three years of age that
26 prevents the processing of linguistic information through hearing,
27 with or without amplification.

28 (d) The emergency specialist instruction permit issued under
29 this section authorizes the holder to teach deaf and
30 hearing-impaired pupils who are enrolled in state special schools
31 or in special classes for pupils with hearing impairments.

32 (e) A one-year specialist instruction emergency permit issued
33 pursuant to subdivision (a) may be reissued at the request of the
34 employing school district, county office of education or state
35 special school in accordance with criteria determined by the
36 Commission on Teacher Credentialing.

37 SEC. 28. Section 44664 of the Education Code is amended to
38 read:

1 44664. (a) Evaluation and assessment of the performance of
2 each certificated employee shall be made on a continuing basis as
3 follows:

4 (1) At least once each school year for probationary personnel.

5 (2) At least every other year for personnel with permanent
6 status.

7 (3) At least every five years for personnel with permanent
8 status who have been employed at least 10 years with the school
9 district, are highly qualified, if those personnel occupy positions
10 that are required to be filled by a highly qualified professional by
11 the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec.
12 6301, et seq.), as defined in 20 U.S.C. Sec. 7801, and whose
13 previous evaluation rated the employee as meeting or exceeding
14 standards, if the evaluator and certificated employee being
15 evaluated agree. The certificated employee or the evaluator may
16 withdraw consent at any time.

17 (b) The evaluation shall include recommendations, if
18 necessary, as to areas of improvement in the performance of the
19 employee. If an employee is not performing his or her duties in a
20 satisfactory manner according to the standards prescribed by the
21 governing board, the employing authority shall notify the
22 employee in writing of that fact and describe the unsatisfactory
23 performance. The employing authority shall thereafter confer
24 with the employee making specific recommendations as to areas
25 of improvement in the employee's performance and endeavor to
26 assist the employee in his or her performance. If any permanent
27 certificated employee has received an unsatisfactory evaluation,
28 the employing authority shall annually evaluate the employee
29 until the employee achieves a positive evaluation or is separated
30 from the district.

31 (c) Any evaluation performed pursuant to this article which
32 contains an unsatisfactory rating of an employee's performance
33 in the area of teaching methods or instruction may include the
34 requirement that the certificated employee shall, as determined
35 necessary by the employing authority, participate in a program
36 designed to improve appropriate areas of the employee's
37 performance and to further pupil achievement and the
38 instructional objectives of the employing authority. If a district
39 participates in the Peer Assistance and Review Program for
40 Teachers established pursuant to Article 4.5 (commencing with

1 Section 44500), any certificated employee who receives an
2 unsatisfactory rating on an evaluation performed pursuant to this
3 section shall participate in the Peer Assistance and Review
4 Program for Teachers.

5 (d) Hourly and temporary hourly certificated employees, other
6 than those employed in adult education classes who are excluded
7 by the provisions of Section 44660, and substitute teachers may
8 be excluded from the provisions of this section at the discretion
9 of the governing board.

10 SEC. 29. Section 45037 of the Education Code is amended to
11 read:

12 45037. (a) Except as provided in Section 45036, for the fiscal
13 year 2001-02 and for any fiscal year thereafter in which a person
14 renders service as a teacher in kindergarten or any of grades 1 to
15 12, inclusive, who does not have a valid certification document,
16 the school district or county office of education in which the
17 person is employed shall be assessed a penalty that shall be in
18 lieu of any loss of funding that would otherwise result under
19 Chapter 6.10 (commencing with Section 52120) of Part 28. The
20 penalty shall be calculated as provided in subdivision (b) and
21 withheld from state funding otherwise due to the district or
22 county office of education.

23 (1) Notwithstanding Section 46300, the attendance of the
24 noncertificated person's pupils during the period of service shall
25 be included in the computation of average daily attendance.

26 (2) The noncertificated person's period of service shall not be
27 excluded from the determination of eligibility for incentive
28 funding for a longer instructional day or year, or both, pursuant
29 to Article 8 (commencing with Section 46200) of Chapter 2 of
30 Part 26.

31 (b) (1) For each person who rendered service in the
32 employment of the district or county office of education as a
33 teacher in kindergarten or any of grades 1 to 12, inclusive, during
34 the fiscal year, add the total number of schooldays on which the
35 person rendered any amount of the service.

36 (2) For each person who rendered service in the employment
37 of the district or county office of education as a teacher in
38 kindergarten or any of grades 1 to 12, inclusive, during the fiscal
39 year, for a period of service during which the person did not have
40 a valid certification document, add the number of schooldays on

1 which the person rendered any amount of the service without a
2 valid certification document.

3 (3) Divide the number determined in paragraph (2) by the
4 number determined in paragraph (1) and carry the result to four
5 decimal places.

6 (4) Multiply a school district's revenue limit entitlement for
7 the fiscal year, calculated pursuant to Section 42238, or its
8 funding amount calculated pursuant to Article 4 (commencing
9 with Section 42280) of Chapter 7 of Part 24, as applicable, or a
10 county office of education's funding for the fiscal year, for the
11 program in which the noncertificated person rendered service by
12 the number determined in paragraph (3).

13 (c) Beginning in 2002-03, if a county office of education
14 releases a warrant in favor of a person for whom a period of
15 school district service is included in the calculation set forth in
16 paragraph (2) of subdivision (b), and the warrant is either
17 compensation for employment as a teacher or for employment in
18 some other capacity if the county office of education has direct
19 knowledge or is in possession of information giving rise to a
20 reasonable inference that the person is rendering service as a
21 teacher, the county office shall be assessed a penalty. The penalty
22 assessed to a county office for any fiscal year in which one or
23 more district teachers did not have a valid certification document
24 shall be equal to the lesser of three amounts as follows:

25 (1) Fifty percent of all penalties assessed for that fiscal year to
26 all school districts in the county office's jurisdiction pursuant to
27 subdivision (b).

28 (2) One-half percent of the total expenditures for that fiscal
29 year from unrestricted resources, as defined in the California
30 School Accounting Manual, in the county office's county school
31 service fund, when two or fewer districts in the county office's
32 jurisdiction are subject to penalties pursuant to subdivision (b).

33 (3) One percent of the total expenditures for that fiscal year
34 from unrestricted resources, as defined in the California School
35 Accounting Manual, in the county office's county school service
36 fund, when three or more districts in the county office's
37 jurisdiction are subject to penalties pursuant to subdivision (b).

38 (d) Except as provided in Section 41344.1, nothing in this
39 section may be waived in whole or in part.

40 SEC. 30. Section 48213 of the Education Code is repealed.

1 SEC. 31. Section 48213 is added to the Education Code, to
2 read:

3 48213. If a pupil is excluded from attendance pursuant to
4 Section 120230 of the Health and Safety Code or Section 49451
5 of this code, or if a principal or his or her designee determines
6 that the continued presence of the child would constitute a clear
7 and present danger to the life, safety, or health of a pupil or
8 school personnel, the governing board is not required to send
9 prior notice of the exclusion to the parent or guardian of the
10 pupil. The governing board shall send a notice of the exclusion as
11 soon as is reasonably possible after the exclusion.

12 SEC. 32. Section 48660.2 of the Education Code is amended
13 to read:

14 48660.2. (a) Notwithstanding any other provision of law, and
15 as a condition of receiving apportionments under this article,
16 school districts operating one or more community day schools
17 shall annually report to the Superintendent, on forms approved
18 by the State Board of Education, the direct instructional costs and
19 documented support costs of their community day schools, using
20 definitions included in the California School Accounting Manual,
21 Part I, as it read on July 1, 1997, except that districts may include
22 in these reports the costs of rents and leases for facilities used by
23 community day schools and maintenance and operations costs for
24 facilities used by community day schools. Each school district
25 that has received approval from the department to use the
26 standardized account code structure may satisfy the requirement
27 set forth in this subdivision by reporting the direct costs of the
28 community day school program, and shall maintain
29 documentation of all noninstructional costs charged to the
30 community day school program.

31 (b) The Superintendent shall do each of the following:

32 (1) Multiply the total of all funds received by each school
33 district on behalf of pupils while enrolled in community day
34 schools by 0.9.

35 (2) Subtract the total of each school district's costs for
36 community day schools, as determined pursuant to subdivision
37 (a), from the amount determined pursuant to paragraph (1).

38 (3) If the amount determined pursuant to paragraph (2) for a
39 school district is positive, the Superintendent shall subtract that
40 amount from the school district's next apportionment.

1 (c) (1) For purposes of making the computation required by
2 paragraph (1) of subdivision (b) for the 2004-05 fiscal year, the
3 “total of all funds received” means the total of all funds received
4 in the 2002-03 to 2004-05 fiscal years, inclusive.

5 (2) For purposes of making the computation required by
6 paragraph (2) of subdivision (b) for the 2004-05 fiscal year, the
7 “school district’s costs” means the school district’s costs incurred
8 in the 2002-03 to 2004-05 fiscal years, inclusive.

9 SEC. 33. Section 48900.8 of the Education Code is amended
10 to read:

11 48900.8. For purposes of notification to parents, and for the
12 reporting of expulsion or suspension offenses to the department,
13 each school district shall specifically identify, by offense
14 committed, in all appropriate official records of a pupil each
15 suspension or expulsion of that pupil for the commission of any
16 of the offenses set forth in Section 48900, 48900.2, 48900.3,
17 48900.4, 48900.7, or 48915.

18 SEC. 34. Section 48980 of the Education Code is amended to
19 read:

20 48980. (a) At the beginning of the first semester or quarter of
21 the regular school term, the governing board of each school
22 district shall notify the parent or guardian of a minor pupil
23 regarding the right or responsibility of the parent or guardian
24 under Sections 35291, 46014, 48205, 48207, 48208, 49403,
25 49423, 49451, 49472, and 51938 and Chapter 2.3 (commencing
26 with Section 32255) of Part 19.

27 (b) The notification also shall advise the parent or guardian of
28 the availability of individualized instruction as prescribed by
29 Section 48206.3, and of the program prescribed by Article 9
30 (commencing with Section 49510) of Chapter 9.

31 (c) The notification shall also advise the parents and guardians
32 of all pupils attending a school within the district of the schedule
33 of minimum days and pupil-free staff development days, and if
34 any minimum or pupil-free staff development days are scheduled
35 thereafter, the governing board shall notify parents and guardians
36 of the affected pupils as early as possible, but not later than one
37 month before the scheduled minimum or pupil-free day.

38 (d) The notification also may advise the parent or guardian of
39 the importance of investing for future college or university
40 education for their children and of considering appropriate

1 investment options including, but not limited to, United States
2 Savings Bonds.

3 (e) Commencing with the 2000-01 school year, and each
4 school year thereafter, the notification shall advise the parent or
5 guardian of the pupil that, commencing with the 2003-04 school
6 year, and each school year thereafter, each pupil completing 12th
7 grade will be required to successfully pass the high school exit
8 examination administered pursuant to Chapter 8 (commencing
9 with Section 60850) of Part 33. The notification shall include, at
10 a minimum, the date of the examination, the requirements for
11 passing the examination, and shall inform the parents and
12 guardians regarding the consequences of not passing the
13 examination and shall inform parents and guardians that passing
14 the examination is a condition of graduation.

15 (f) Each school district that elects to provide a fingerprinting
16 program pursuant to Article 10 (commencing with Section
17 32390) shall inform parents or guardians of the program as
18 specified in Section 32390.

19 (g) The notification shall also include a copy of the district's
20 written policy on sexual harassment established pursuant to
21 Section 212.6, as it relates to pupils.

22 (h) The notification shall advise the parent or guardian of all
23 existing statutory attendance options and local attendance options
24 available in the school district. That notification shall include all
25 options for meeting residency requirements for school
26 attendance, programmatic options offered within the local
27 attendance areas, and any special programmatic options available
28 on both an interdistrict and intradistrict basis. That notification
29 shall also include a description of all options, a description of the
30 procedure for application for alternative attendance areas or
31 programs, an application form from the district for requesting a
32 change of attendance, and a description of the appeals process
33 available, if any, for a parent or guardian denied a change of
34 attendance. The notification shall also include an explanation of
35 the existing statutory attendance options including, but not
36 limited to, those available under Section 35160.5, Chapter 5
37 (commencing with Section 46600) of Part 26, subdivision (f) of
38 Section 48204, and Article 1.5 (commencing with Section
39 48209) of Chapter 2 of Part 27. The department shall produce

1 this portion of the notification and shall distribute it to all school
2 districts.

3 (i) It is the intent of the Legislature that the governing board of
4 each school district annually review the enrollment options
5 available to the pupils within their districts and that the school
6 districts strive to make available enrollment options that meet the
7 diverse needs, potential, and interests of California's pupils.

8 (j) The notification shall advise the parent or guardian that no
9 pupil may have his or her grade reduced or lose academic credit
10 for any absence or absences excused pursuant to Section 48205 if
11 missed assignments and tests that can reasonably be provided are
12 satisfactorily completed within a reasonable period of time, and
13 shall include the full text of Section 48205.

14 (k) The notification shall advise the parent or guardian of the
15 availability of state funds to cover the costs of advanced
16 placement examination fees pursuant to Section 52244.

17 SEC. 35. Section 49423 of the Education Code is amended to
18 read:

19 49423. (a) Notwithstanding Section 49422, any pupil who is
20 required to take, during the regular schoolday, medication
21 prescribed for him or her by a physician or surgeon, may be
22 assisted by the school nurse or other designated school personnel
23 or may carry and self-administer prescription auto-injectable
24 epinephrine if the school district receives the appropriate written
25 statements identified in subdivision (b).

26 (b) (1) In order for a pupil to be assisted by a school nurse or
27 other designated school personnel pursuant to subdivision (a), the
28 school district shall obtain both a written statement from the
29 physician detailing the name of the medication, method, amount,
30 and time schedules by which the medication is to be taken and a
31 written statement from the parent, foster parent, or guardian of
32 the pupil indicating the desire that the school district assist the
33 pupil in the matters set forth in the statement of the physician.

34 (2) In order for a pupil to carry and self-administer
35 prescription auto-injectable epinephrine pursuant to subdivision
36 (a), the school district shall obtain both a written statement from
37 the physician or surgeon detailing the name of the medication,
38 method, amount, and time schedules by which the medication is
39 to be taken, and confirming that the pupil is able to
40 self-administer auto-injectable epinephrine, and a written

1 statement from the parent, foster parent, or guardian of the pupil
2 consenting to the self-administration, providing a release for the
3 school nurse or other designated school personnel to consult with
4 the health care provider of the pupil regarding any questions that
5 may arise with regard to the medication, and releasing the school
6 district and school personnel from civil liability if the
7 self-administering pupil suffers an adverse reaction as a result of
8 self-administering medication pursuant to this paragraph.

9 (3) The written statements specified in this subdivision shall
10 be provided at least annually and more frequently if the
11 medication, dosage, frequency of administration, or reason for
12 administration changes.

13 (c) A pupil may be subject to disciplinary action pursuant to
14 Section 48900 if that pupil uses auto-injectable epinephrine in a
15 manner other than as prescribed.

16 SEC. 36. Section 49423.1 of the Education Code is amended
17 to read:

18 49423.1. (a) Notwithstanding Section 49422, any pupil who
19 is required to take, during the regular schoolday, medication
20 prescribed for him or her by a physician or surgeon, may be
21 assisted by the school nurse or other designated school personnel
22 or may carry and self-administer inhaled asthma medication if
23 the school district receives the appropriate written statements
24 specified in subdivision (b).

25 (b) (1) In order for a pupil to be assisted by a school nurse or
26 other designated school personnel pursuant to subdivision (a), the
27 school district shall obtain both a written statement from the
28 physician or surgeon detailing the name of the medication,
29 method, amount, and time schedules by which the medication is
30 to be taken and a written statement from the parent, foster parent,
31 or guardian of the pupil requesting that the school district assist
32 the pupil in the matters set forth in the statement of the physician
33 or surgeon.

34 (2) In order for a pupil to carry and self-administer
35 prescription inhaled asthma medication pursuant to subdivision
36 (a), the school district shall obtain both a written statement from
37 the physician or surgeon detailing the name of the medication,
38 method, amount, and time schedules by which the medication is
39 to be taken, and confirming that the pupil is able to
40 self-administer inhaled asthma medication, and a written

1 statement from the parent, foster parent, or guardian of the pupil
2 consenting to the self-administration, providing a release for the
3 school nurse or other designated school personnel to consult with
4 the health care provider of the pupil regarding any questions that
5 may arise with regard to the medication, and releasing the school
6 district and school personnel from civil liability if the
7 self-administering pupil suffers an adverse reaction by taking
8 medication pursuant to this section.

9 (3) The written statements specified in this subdivision shall
10 be provided at least annually and more frequently if the
11 medication, dosage, frequency of administration, or reason for
12 administration changes.

13 (c) A pupil may be subject to disciplinary action pursuant to
14 Section 48900 if that pupil uses inhaled asthma medication in a
15 manner other than as prescribed.

16 SEC. 37. Section 51226.1 of the Education Code is amended
17 to read:

18 51226.1. (a) Upon adoption of the model curriculum
19 standards developed pursuant to Section 51226, the
20 Superintendent shall develop a curriculum framework consistent
21 with criteria set forth in subdivision (a) of Section 60005 that
22 offers a blueprint for implementation of career and technical
23 education. The framework shall be adopted no later than
24 November 1, 2006.

25 (b) In developing the framework, the Superintendent shall
26 work in consultation and coordination with an advisory group,
27 including, but not limited to, representatives from all of the
28 following:

- 29 (1) Business and industry.
- 30 (2) Labor.
- 31 (3) The California Community Colleges.
- 32 (4) The University of California.
- 33 (5) The California State University.
- 34 (6) Classroom teachers.
- 35 (7) School administrators.
- 36 (8) Pupils.
- 37 (9) Parents and guardians.
- 38 (10) Representatives of the Legislature.
- 39 (11) The department.
- 40 (12) The Labor and Workforce Development Agency.

1 (c) In convening the membership of the advisory group set
2 forth in subdivision (b), the Superintendent is encouraged to seek
3 representation broadly reflective of the state population.

4 (d) Costs incurred by the superintendent in complying with
5 this section shall be covered, to the extent permitted by federal
6 law, by the state administrative and leadership funds available
7 pursuant to the Carl D. Perkins Vocational and Technical
8 Education Act of 1998 (20 U.S.C. Sec. 2301 et seq.).

9 (e) In developing the framework, the Superintendent shall
10 consider developing frameworks for various career pathways that
11 will prepare pupils for both career entry and matriculation into
12 postsecondary education.

13 (f) Upon completion of the framework, the advisory group is
14 encouraged to identify career technical education courses that
15 meet state-adopted academic content standards and that satisfy
16 high school graduation requirements and admissions
17 requirements of the University of California and the California
18 State University, and to determine the extent to which local
19 educational agencies accept credit earned for the completion of
20 those courses, in lieu of other courses of study.

21 (g) The adoption of the framework developed and adopted
22 pursuant to this section by a local educational agency shall be
23 voluntary.

24 SEC. 38. Section 52247 of the Education Code is repealed.

25 SEC. 39. Section 52515 of the Education Code is amended to
26 read:

27 52515. State funds shall not be apportioned to a school
28 district based on the attendance of students enrolled in adult
29 schools, unless the courses have been approved by the
30 department pursuant to Section 41976.

31 SEC. 40. Section 52520 of the Education Code is amended to
32 read:

33 52520. (a) Every vocational or occupational training program
34 for adults offered by any high school district or unified school
35 district shall be reviewed every two years by the governing board
36 to assure that each program does all of the following:

- 37 (1) Meets a documented labor market demand.
38 (2) Does not represent unnecessary duplication of other
39 manpower training programs in the area.

1 (3) Is of demonstrated effectiveness as measured by the
2 employment and completion success of its students.

3 (b) Any program that does not meet the requirements of
4 subdivision (a) and the standards promulgated by the governing
5 board shall be terminated within one year.

6 (c) The review process required by this section shall include
7 the review and comments by the local workforce Investment
8 board established pursuant to the Workforce Investment Act of
9 1998 (29 U.S.C. Sec. 2801 et seq.), and pursuant to (Division 8
10 (commencing with Section 15000) of the Unemployment
11 Insurance Code), which review and comments shall occur prior
12 to any decision by the appropriate governing body.

13 SEC. 41. Section 52570 of the Education Code is amended to
14 read:

15 52570. The governing board of any school district
16 maintaining secondary schools or the county superintendent of
17 schools, shall have the power, with the approval of the
18 Department of Education, to establish special classes for adults
19 designed to serve the educational needs of adults with
20 disabilities. These classes shall be directed to providing
21 instruction in civic, vocational, literary, homemaking, technical,
22 and general education and shall conform to standards of
23 attendance, curriculum, and administration established by the
24 department. Attendance of adults with disabilities in such classes
25 established by the county superintendent of schools shall be
26 included for purposes of apportionments to the county school
27 service fund.

28 SEC. 42. Section 52571 of the Education Code is amended to
29 read:

30 52571. Special classes for adults with disabilities may be
31 conducted under the direction of the governing board of the
32 school district in workshop and training facilities provided by
33 nonprofit organizations, or in public school facilities. These
34 facilities may include those where part-time paid work education
35 and training is conducted and where less than the state minimum
36 wage is paid.

37 SEC. 43. Section 52572 of the Education Code is amended to
38 read:

39 52572. The governing board of any school district or the
40 county superintendent of schools authorized by this article to

1 establish special classes for adults designed to serve the
2 educational needs of adults with disabilities may contract for the
3 providing of those classes by any adjacent high school district or
4 unified school district, subject to the approval of the
5 Superintendent. For purposes of apportionments, the average
6 daily attendance in classes conducted pursuant to the contract
7 shall accrue to and be reported by the district in which the
8 student resides. Any contract entered into pursuant to this section
9 shall be for a term of not to exceed one year but may be renewed
10 or revised and renewed annually.

11 SEC. 44. Section 54749 of the Education Code is amended to
12 read:

13 54749. (a) For the 2000-01 fiscal year and each fiscal year
14 thereafter, a school district or county superintendent of schools
15 participating in Cal-SAFE is eligible for state funding from funds
16 appropriated for services provided for the purposes of the
17 program as follows:

18 (1) A support services allowance of two thousand two hundred
19 thirty-seven dollars (\$2,237) for each unit of average daily
20 attendance generated by each pupil who has completed the intake
21 process pursuant to subdivision (a) of Section 54746 and is
22 receiving services pursuant to subdivision (b) of Section 54746.
23 This allowance shall be adjusted annually by the inflation factor
24 set forth in subdivision (b) of Section 42238.1. In no event shall
25 more than one support service allowance be generated by any
26 pupil concurrently enrolled in more than one educational
27 program.

28 (A) A support services allowance may not be claimed for units
29 of average daily attendance reported pursuant to the following:

30 (i) Subdivision (b) of Section 1982 for pupils attending county
31 community schools operated pursuant to Chapter 6.5 of Part 2
32 (commencing with Section 1980).

33 (ii) Pupils attending juvenile court schools operated pursuant
34 to Article 2.5 (commencing with Section 48645) of Chapter 4 of
35 Part 27.

36 (iii) Pupils attending community day schools operated
37 pursuant to Article 3 (commencing with Section 48660) of
38 Chapter 4 of Part 27.

1 (iv) Pupils attending a county operated Cal-SAFE program
2 pursuant to this article whose attendance is reported pursuant to
3 Section 2551.3.

4 (B) A support services allowance may not be used to supplant
5 average daily attendance and revenue limit funding provided
6 pursuant to paragraph (2) for the support of educational programs
7 that Cal-SAFE program pupils attend.

8 (2) Average daily attendance and revenue limit funding for
9 pupils receiving services in the Cal-SAFE program shall be
10 computed pursuant to provisions and regulations applicable to
11 the educational program or programs that each pupil attends,
12 except as provided in paragraph (3).

13 (3) For attendance not claimed pursuant to paragraph (2), a
14 county office of education may claim the statewide average
15 revenue limit per unit of average daily attendance for high school
16 districts, payable from Section A of the State School Fund, for
17 the attendance of pupils receiving services in the Cal-SAFE
18 program, provided that no other revenue limit funding is claimed
19 for the same pupil and pupil attendance of no less than 240
20 minutes per day and is computed and maintained pursuant to
21 Section 46300.

22 (4) Except as provided in subdivision (c) of Section 54749.5,
23 operators of Cal-SAFE programs shall be reimbursed in
24 accordance with the amount specified in subdivision (b) of
25 Section 8265 and the amounts specified in subdivisions (a) and
26 (b) of Section 8265.5 for each child receiving services pursuant
27 to the Cal-SAFE program who is the child of teen parents
28 enrolled in the Cal-SAFE program. To be eligible for funding
29 pursuant to this paragraph, the operational days of child care and
30 development programs are only those necessary to provide child
31 care services to children of pupils participating in Cal-SAFE.

32 (5) Notwithstanding paragraph (1), pupils for whom
33 attendance is reported pursuant to subdivision (b) of Section
34 1982, pupils attending juvenile court schools, and pupils
35 attending community day schools may complete the intake
36 process for the Cal-SAFE program and, if the intake process is
37 completed, shall receive services pursuant to subdivision (b) of
38 Section 54746. The children of pupils receiving services in the
39 Cal-SAFE program pursuant to subdivision (b) of Section 54746
40 and attending juvenile court schools, county community schools,

1 or community day schools are eligible for funding pursuant to
2 paragraph (4) and no other provisions of this section.

3 (b) Funds allocated pursuant to paragraph (1) of subdivision
4 (a) shall be accounted for separately and shall be expended only
5 to provide the supportive services enumerated in subdivision (b)
6 of Section 54746, to provide in-service training as specified in
7 subdivision (d) of Section 54746, and for the expenditures
8 enumerated in subdivision (d) of this section.

9 (c) Funds allocated pursuant to paragraph (4) of subdivision
10 (a) shall be accounted for separately and shall be expended only
11 to provide developmentally appropriate child care and
12 development services pursuant to subdivision (c) of Section
13 54746 and staff development of child development program staff
14 pursuant to subdivision (d) of Section 54746 for children of teen
15 parents enrolled in the Cal-SAFE program for the purpose of
16 promoting the children's development comparable to age norms,
17 access to health and preventive services, and enhanced school
18 readiness.

19 (d) Funds generated pursuant to Section 2551.3, subdivision
20 (b) of Section 54749.5, and this section shall be accounted for
21 separately and shall be expended only to provide the services
22 enumerated in Section 54746 and the following expenditures as
23 defined by the California State School Accounting Manual:

24 (1) Expenditures defined as direct costs of instructional
25 programs.

26 (2) Expenditures defined as documented direct support costs.

27 (3) Expenditures defined as allocated direct support costs.

28 (4) Expenditures for indirect charges.

29 (5) Expenditures defined as facility costs, including the costs
30 of renting, leasing, lease-purchase, remodeling, or improving
31 buildings.

32 (e) Indirect costs may not exceed the lesser of the approved
33 indirect cost rate or 10 percent.

34 (f) Expenditures that represent contract payments to
35 community-based organizations and other governmental agencies
36 pursuant to paragraph (10) of subdivision (b) of Section 54745
37 for the operation of a Cal-SAFE program shall be included in the
38 Cal-SAFE program account.

1 (g) To the extent permitted by federal law, any funding made
2 available to a school district or county superintendent of schools
3 is subject to all of the following conditions:

4 (1) The program is open to all eligible pupils without regard to
5 any pupil's religious beliefs or any other factor related to
6 religion.

7 (2) No religious instruction is included in the program.

8 (3) The space where the program is operated is not used in any
9 manner to foster religion during the time used for operation of
10 the program.

11 (h) A school district or county superintendent of schools
12 implementing a Cal-SAFE program may establish a claims
13 process to recover federal funds available for any services
14 provided that are Medi-Cal eligible.

15 (i) For purposes of serving pupils enrolled in the Cal-SAFE
16 program in a summer school program or enrolled in a school
17 program operating more than 180 days, eligibility for child care
18 services pursuant to subdivision (c) of Section 54746 shall be
19 determined by the parent's hours of enrollment and shall be for
20 only those hours necessary to further the completion of the
21 parent's educational program.

22 (j) To meet startup costs for the opening of child care and
23 development sites, as defined in subdivision (ab) of Section
24 8208, and applicable regulations, a school district or county
25 office of education may apply for a one-time 15-percent service
26 level exemption within the amount appropriated in the annual
27 Budget Act for the purposes of paragraph (4) of subdivision (a)
28 for each site meeting the criteria set forth in subdivision (ab) of
29 Section 8208. To the extent that Budget Act funding is
30 insufficient to cover the full costs of Cal-SAFE child care,
31 reimbursements to all participating programs shall be reduced on
32 a pro rata basis. A school district or county office of education
33 shall submit claims pursuant to this subdivision with other claims
34 submitted pursuant to this section. Funding provided for startup
35 costs shall be utilized for approvable startup costs enumerated in
36 subdivision (a) of Section 8275.

37 (k) To meet costs for the renovation, repair, or improvement of
38 an existing building to make the building suitable for licensure
39 for child care and development services and for the purchase of
40 new relocatable child care facilities for lease to school districts

1 and contracting agencies that provide child care and development
2 services, a school district or county office of education that
3 provides child care pursuant to this article may apply for and
4 receive funding pursuant to Section 8278.3.

5 (l) Notwithstanding any other provision of this article, the
6 implementation of this article is contingent upon appropriations
7 in the annual Budget Act for the purpose of its administration and
8 evaluation by the department.

9 (m) Notwithstanding any other law, a charter school may
10 apply for funding pursuant to this article and shall meet the
11 requirements of this article to be eligible for funding pursuant to
12 this section.

13 SEC. 45. Section 56195.7 of the Education Code is amended
14 to read:

15 56195.7. In addition to the provisions required to be included
16 in the local plan pursuant to Chapter 3 (commencing with
17 Section 56205), each special education local plan area that
18 submits a local plan pursuant to subdivision (b) of Section
19 56195.1 and each county office that submits a local plan pursuant
20 to subdivision (c) of Section 56195.1 shall develop written
21 agreements to be entered into by entities participating in the plan.
22 The agreements need not be submitted to the superintendent.
23 These agreements shall include, but not be limited to, the
24 following:

25 (a) A coordinated identification, referral, and placement
26 system pursuant to Chapter 4 (commencing with Section 56300).

27 (b) Procedural safeguards pursuant to Chapter 5 (commencing
28 with Section 56500).

29 (c) Regionalized services to local programs, including, but not
30 limited to, all of the following:

31 (1) Program specialist service pursuant to Section 56368.

32 (2) Personnel development, including training for staff,
33 parents, and members of the community advisory committee
34 pursuant to Article 3 (commencing with Section 56240).

35 (3) Evaluation pursuant to Chapter 6 (commencing with
36 Section 56600).

37 (4) Data collection and development of management
38 information systems.

39 (5) Curriculum development.

1 (6) Provision for ongoing review of programs conducted, and
2 procedures utilized, under the local plan, and a mechanism for
3 correcting any identified problem.

4 (d) A description of the process for coordinating services with
5 other local public agencies that are funded to serve individuals
6 with exceptional needs.

7 (e) A description of the process for coordinating and providing
8 services to individuals with exceptional needs placed in public
9 hospitals, proprietary hospitals, and other residential medical
10 facilities pursuant to Article 5.5 (commencing with Section
11 56167) of Chapter 2.

12 (f) A description of the process for coordinating and providing
13 services to individuals with exceptional needs placed in licensed
14 children's institutions and foster family homes pursuant to
15 Article 5 (commencing with Section 56155) of Chapter 2.

16 (g) A description of the process for coordinating and providing
17 services to individuals with exceptional needs placed in juvenile
18 court schools or county community schools pursuant to Section
19 56150.

20 (h) A budget for special education and related services that
21 shall be maintained by the special education local plan area and
22 be open to the public covering the entities providing programs or
23 services within the special education local plan area. The budget
24 language shall be presented in a form that is understandable by
25 the general public. For each local educational agency or other
26 entity providing a program or service, the budget, at minimum,
27 shall display the following:

28 (1) Expenditures by object code and classification for the
29 previous fiscal year and the budget by the same object code
30 classification for the current fiscal year.

31 (2) The number and type of certificated instructional and
32 support personnel, including the type of class setting to which
33 they are assigned, if appropriate.

34 (3) The number of instructional aides and other qualified
35 classified personnel.

36 (4) The number of enrolled individuals with exceptional needs
37 receiving each type of service provided.

38 (i) For multidistrict special education local plan areas, a
39 description of the policymaking process that shall include a
40 description of the local method used to distribute state and

1 federal funds among the local educational agencies in the special
2 education local plan area. The local method to distribute funds
3 shall be approved according to the policymaking process
4 established consistent with subdivision (f) of Section 56001 and
5 pursuant to paragraph (3) of subdivision (b) of Section 56205.

6 (j) (1) In accordance with Section 1413 of Title 20 of the
7 United States Code, each single-district special education local
8 plan area established pursuant to Section 56195.1 shall have a
9 written procedure for the ongoing review of programs conducted,
10 and procedures utilized pursuant to Section 56205, under the
11 local plan as defined pursuant to Section 56027 and administered
12 pursuant to Section 56195, and a mechanism for correcting any
13 identified problem pursuant to paragraph (6) of subdivision (c).

14 (2) Multidistrict special education local plan areas established
15 pursuant to subdivision (b) of Section 56195.1 and a district or
16 districts joined with the county office in accordance with
17 subdivision (c) of Section 56195.1 shall have a written agreement
18 entered into by entities participating in the local plan that
19 includes a provision for ongoing review of programs conducted,
20 and procedures utilized, under the local plan, and a mechanism
21 for correcting any identified problem pursuant to paragraph (6) of
22 subdivision (c).

23 (3) The written procedure referenced in paragraph (1) and the
24 written agreement referenced in paragraph (2) need not be
25 submitted to the superintendent but shall be available upon
26 request by the department.

27 SEC. 46. Section 56362.7 of the Education Code is amended
28 to read:

29 56362.7. (a) The Legislature recognizes the need for
30 specially trained professionals to assess and serve pupils of
31 limited English proficiency. This is particularly true of pupils
32 with exceptional needs or pupils with suspected disabilities.

33 (b) The commission shall develop a bilingual-crosscultural
34 certificate of assessment competence for those professionals who
35 may participate in assessments for placements in special
36 education programs. The certificate shall be issued to holders of
37 appropriate credentials, certificates, or authorizations who
38 demonstrate, by written and oral examination, all of the
39 following:

1 (1) That the person is competent in both the oral and written
2 skills of a language other than English.

3 (2) That the person has both the knowledge and understanding
4 of the cultural and historical heritage of the
5 limited-English-proficient individuals to be served.

6 (3) That the person has the ability to perform the assessment
7 functions the candidate is certified or authorized to perform in
8 English and in a language other than English.

9 (4) That the person has knowledge of the use of instruments
10 and other assessment techniques appropriate to evaluate
11 limited-English-proficient individuals with exceptional needs and
12 ability to develop appropriate data, instructional strategies,
13 individualized education programs, and evaluations.

14 (c) Certificates of bilingual-crosscultural competence for
15 special education professionals who implement individual
16 education plans requiring bilingual services shall be granted by
17 the commission pursuant to Section 44253.7.

18 (d) It is not the intent of the Legislature in enacting this section
19 that possession of any certificate established by this section be a
20 state-mandated requirement for employment or continued
21 employment. It is the intent that this is a matter for local
22 educational agencies to determine.

23 SEC. 47. Section 56836.07 is added to the Education Code, to
24 read:

25 56836.07. For the 2004-05 fiscal year and each fiscal year
26 thereafter for which there is an appropriation in the annual
27 Budget Act for this purpose, the Superintendent shall allocate
28 funds per unit of average daily attendance, as defined in Section
29 56836.06, reported for the special education local plan area to a
30 special education local plan area for the purposes of Section
31 56331. For the 2004-05 fiscal year and each fiscal year thereafter
32 for which there is an appropriation in the annual Budget Act for
33 this purpose, the Superintendent shall determine a proportionate
34 share, consistent with existing law, to the Los Angeles County
35 Juvenile Court and Community School/Division of Alternative
36 Education Special Education Local Plan Area based on the ratio
37 of the amount per unit of average daily attendance determined
38 pursuant to Section 56836.10 to the amount of the statewide
39 target per unit of average daily attendance determined pursuant to
40 Section 56836.11.

1 SEC. 48. Section 7572.5 of the Government Code is amended
2 to read:

3 7572.5. (a) When an assessment is conducted pursuant to
4 Article 2 (commencing with Section 56320) of Chapter 4 of Part
5 30 of Division 4 of the Education Code, which determines that a
6 child is seriously emotionally disturbed, as defined in Section
7 300.7 of Title 34 of the Code of Federal Regulations, and any
8 member of the individualized education program team
9 recommends residential placement based on relevant assessment
10 information, the individualized education program team shall be
11 expanded to include a representative of the county mental health
12 department.

13 (b) The expanded individualized education program team shall
14 review the assessment and determine whether:

15 (1) The child's needs can reasonably be met through any
16 combination of nonresidential services, preventing the need for
17 out-of-home care.

18 (2) Residential care is necessary for the child to benefit from
19 educational services.

20 (3) Residential services are available which address the needs
21 identified in the assessment and which will ameliorate the
22 conditions leading to the seriously emotionally disturbed
23 designation.

24 (c) If the review required in subdivision (b) results in an
25 individualized education program which calls for residential
26 placement, the individualized education program shall include all
27 the items outlined in Section 56345 of the Education Code, and
28 shall also include:

29 (1) Designation of the county mental health department as lead
30 case manager. Lead case management responsibility may be
31 delegated to the county welfare department by agreement
32 between the county welfare department and the designated
33 mental health department. The mental health department shall
34 retain financial responsibility for provision of case management
35 services.

36 (2) Provision for a review of the case progress, the continuing
37 need for out-of-home placement, the extent of compliance with
38 the individualized education program, and progress toward
39 alleviating the need for out-of-home care, by the full
40 individualized education program team at least every six months.

1 (3) Identification of an appropriate residential facility for
2 placement with the assistance of the county welfare department
3 as necessary.

4 SEC. 49. Chapter 1.2 (commencing with Section 628) of Title
5 15 of Part 1 of the Penal Code is repealed.

6 SEC. 50. Section 34501.5 of the Vehicle Code is amended to
7 read:

8 34501.5. (a) The Department of the California Highway
9 Patrol shall adopt reasonable rules and regulations which, in the
10 judgment of the department, are designed to promote the safe
11 operation of vehicles described in Sections 39830 and 82321 of
12 the Education Code and Sections 545 and 34500 of this code.
13 The Commissioner of the California Highway Patrol shall
14 appoint a committee of 11 members to act in an advisory
15 capacity when developing and adopting regulations affecting
16 school pupil transportation buses and school pupil transportation
17 operations. The advisory committee shall consist of 11 members
18 appointed as follows:

19 (1) One member of the State Department of Education.

20 (2) One member of the Department of Motor Vehicles.

21 (3) One member of the Department of the California Highway
22 Patrol.

23 (4) One member who is employed as a schoolbus driver.

24 (5) One member of the Office of Traffic Safety in the
25 Business, Transportation and Housing Agency.

26 (6) Two members who are schoolbus contractors, one of
27 whom shall be from an urban area of the state and one of whom
28 shall be from a rural area of the state, as determined by the
29 department.

30 (7) Two members who are representatives of school districts,
31 one of whom shall be from an urban area of the state and one of
32 whom shall be from a rural area of the state, as determined by the
33 department.

34 (8) One professionally licensed member of the American
35 Academy of Pediatrics.

36 (9) One member representing school pupil transportation
37 operations other than schoolbus operations.

38 (b) The department shall cooperate and confer with the
39 advisory committee appointed pursuant to this section prior to

1 adopting rules or regulations affecting school pupil transportation
2 buses and school pupil transportation operations.

3 SEC. 51. Section 11 of Chapter 14 of the Statutes of 2003 is
4 amended to read:

5 Sec. 11. (a) Notwithstanding Sections 17456, 17457, 17462,
6 and 17463 of the Education Code, or any other law, from June 1,
7 2003, to June 30, 2007, inclusive, the Oakland Unified School
8 District may sell property owned by the district and use the
9 proceeds from the sale to reduce or retire the emergency loan
10 provided in Section 9 of this act. The sale only of property
11 pursuant to this subdivision is not subject to Section 17459 or
12 17464 of the Education Code.

13 (b) Notwithstanding any other provision of law, from June 1,
14 2003, to June 30, 2007, inclusive, the Oakland Unified School
15 District is not eligible for financial hardship assistance pursuant
16 to Article 8 (commencing with Section 17075.10) of Chapter
17 12.5 of Part 10 of the Education Code.

18 SEC. 52. Item 6110-183-0890 of Section 2.00 of Chapter 208
19 of the Statutes of 2004 is amended to read:

20

21 6110-183-0890—For local assistance, Department of
22 Education, Instructional Support--Safe and Drug Free
23 Schools and Communities Act of 1994 (Public Law
24 103-382), payable from the Federal Trust Fund 52,939,000
25 Schedule:

26 (1) 20.10.045-Health and Physical
27 Education, Drug Free Schools 52,939,000

28 Provisions:

- 1 1. Local education agencies shall give priority in the
2 expenditure of the funds appropriated by this item to
3 create comprehensive drug and violence prevention
4 programs that promote school safety, reduce the use
5 of drugs, and create learning environments that are
6 free of alcohol and guns and that support academic
7 achievement for all pupils. In addition to preventing
8 drug and alcohol use, prevention programs will
9 respond to the crisis of violence in our schools by
10 addressing the need to prevent serious crime,
11 violence, and discipline problems. The
12 Superintendent of Public Instruction shall (a) notify
13 local education agencies of this policy, and (b)
14 incorporate the policy into the department's
15 compliance review procedures.
- 16 2. Of the funds appropriated in this item, \$1,526,000 is
17 available for one-time grants for drug and violence
18 prevention and intervention services for entitlements
19 earned by a local educational agency in the 2003-04
20 fiscal year.

21
22 SEC. 53. Section 18 of Chapter 895 of the Statutes of 2004 is
23 amended to read:

24 Sec. 18. (a) Notwithstanding any other law, the Commission
25 on State Mandates shall, on or before December 31, 2005, for
26 paragraphs (1) to (5), inclusive, and on or before January 31,
27 2006, for paragraph (6), reconsider its decision in 97-TC-21,
28 relating to the School Accountability Report Card mandate, and
29 its parameters and guidelines for calculating the state
30 reimbursement for that mandate pursuant to Section 6 of Article
31 XIII B of the California Constitution for each of the following
32 statutes, particularly in light of federal and state statutes enacted
33 and state court decisions rendered since these statutes were
34 enacted:

- 35 (1) Chapter 1463 of the Statutes of 1989.
- 36 (2) Chapter 759 of the Statutes of 1992.
- 37 (3) Chapter 1031 of the Statutes of 1993.
- 38 (4) Chapter 824 of the Statutes of 1994.
- 39 (5) Chapter 918 of the Statutes of 1997.
- 40 (6) Chapter 912 of the Statutes of 1997.

(b) Notwithstanding any other provision of law, the decision of the Commission on State Mandates on its reconsiderations pursuant to subdivision (a) shall apply retroactively to January 1, 2005.

(c) Notwithstanding any other provision of law, the parameters and guidelines associated with the test claim of 97-TC-21 shall be adjusted to conform to the decision of the Commission on State Mandates on its reconsiderations.

~~(d) In requiring these reconsiderations, the Legislature finds and declares all of the following:~~

~~(1) Proposition 98, a voter-approved statewide ballot initiative in 1988, established the School Accountability Report Card in Section 8.5 of Article XVI of the California Constitution.~~

~~(2) The initiative measure also added Section 35256 to the Education Code, which requires specified information to be included in the School Accountability Report Card.~~

~~(3) Section 35256 of the Education Code, as approved by the voters, also stated that the information required to be included in the School Accountability Report Card “is not limited to” that specified information.~~

~~(4) By inclusion of the language described in paragraph (3), and requiring annual comparisons to the School Accountability Report Card template provided by the Superintendent of Public Instruction, the voters envisioned the need for future amendments to the contents of the School Accountability Report Card.~~

~~(5) Statutes amending the contents of the School Accountability Report Card further the purposes of the initiative, are necessary to implement the initiative, and are therefore reasonably within the scope of that initiative as well.~~

SEC. 54. The sum of one hundred thirty thousand dollars (\$130,000) is hereby appropriated from the California Memorial Scholarship Fund to the Scholarshare Investment Board for the purposes of establishing individual scholarship accounts for eligible participants and for administrative costs of the board pursuant to Section 70010.7 of the Education Code, and shall be allocated as follows:

(a) One hundred thousand dollars (\$100,000) for local assistance for scholarship awards and shall be available for expenditure until June 30, 2006.

1 (b) Thirty thousand dollars (\$30,000) for state operations to
2 support the administration of the California Memorial
3 Scholarship Program and shall be available until June 30, 2031.

4 SEC. 54.5. Due to the unique circumstances concerning the
5 Coachella Valley Unified School District, the Legislature finds
6 and declares that a general statute cannot be made applicable
7 within the meaning of Section 16 of Article IV of the
8 Constitution. Therefore, Section 23.5 of this act is necessarily
9 applicable only to the Coachella Valley Unified School District.

10 SEC. 55. With respect to Section 47 of this act, the
11 Legislature finds and declares that a special law is necessary and
12 that a general law cannot be made applicable within the meaning
13 of Section 16 of Article IV of the California Constitution because
14 of the unique circumstances of the Los Angeles County Juvenile
15 Court and Community School/Division of Alternative Education
16 Special Education Local Plan Area. The facts constituting the
17 special circumstances are the larger pupil population and unique
18 staffing and pupil needs.

19 SEC. 56. No reimbursement is required by this act pursuant
20 to Section 6 of Article XIII B of the California Constitution
21 because this act provides for offsetting savings to local agencies
22 or school districts that result in no net costs to the local agencies
23 or school districts, within the meaning of Section 17556 of the
24 Government Code.

25 However, if the Commission on State Mandates determines
26 that this act contains other costs mandated by the state,
27 reimbursement to local agencies and school districts for those
28 costs shall be made pursuant to Part 7 (commencing with Section
29 17500) of Division 4 of Title 2 of the Government Code.

30 SEC. 57. This act is an urgency statute necessary for the
31 immediate preservation of the public peace, health, or safety
32 within the meaning of Article IV of the Constitution and shall go
33 into immediate effect. The facts constituting the necessity are:

34 In order to ensure that the educational programs affected by
35 this act are properly implemented pursuant to the clarifying,
36 technical, and other changes made by this act, it is necessary for
37 this act to take effect immediately.

1		_____
2	CORRECTIONS:	
3	Digest — Pages 3, 4, 5, 6, and 8.	
4	Text — Pages 60 and 89.	
5		_____